



Sen. Pamela J. Althoff

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09900SB3320sam001

LRB099 16669 HLH 45794 a

1 AMENDMENT TO SENATE BILL 3320

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3320 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Revenue Law of the Civil  
5 Administrative Code of Illinois is amended by changing Section  
6 2505-190 as follows:

7 (20 ILCS 2505/2505-190) (was 20 ILCS 2505/39c-4)

8 Sec. 2505-190. Tax Compliance and Administration Fund.

9 (a) Amounts deposited into the Tax Compliance and  
10 Administration Fund, a special fund in the State treasury that  
11 is hereby created, must be appropriated to the Department to  
12 reimburse the Department for its costs of collecting,  
13 administering, and enforcing the tax laws that provide for  
14 deposits into the Fund.

15 (b) As soon as possible after July 1, 2015, and as soon as  
16 possible after each July 1 thereafter through July 1, 2016, the

1 Director of the Department of Revenue shall certify the balance  
2 in the Tax Compliance and Administration Fund as of July 1,  
3 less any amounts obligated, and the State Comptroller shall  
4 order transferred and the State Treasurer shall transfer from  
5 the Tax Compliance and Administration Fund to the General  
6 Revenue Fund the amount certified that exceeds \$2,500,000.

7 (Source: P.A. 98-1098, eff. 8-26-14.)

8 Section 10. The State Finance Act is amended by changing  
9 Section 6z-20 as follows:

10 (30 ILCS 105/6z-20) (from Ch. 127, par. 142z-20)

11 Sec. 6z-20. County and Mass Transit District Fund. Of the  
12 money received from the 6.25% general rate (and, beginning July  
13 1, 2000 and through December 31, 2000, the 1.25% rate on motor  
14 fuel and gasohol, and beginning on August 6, 2010 through  
15 August 15, 2010, the 1.25% rate on sales tax holiday items) on  
16 sales subject to taxation under the Retailers' Occupation Tax  
17 Act and Service Occupation Tax Act and paid into the County and  
18 Mass Transit District Fund, distribution to the Regional  
19 Transportation Authority tax fund, created pursuant to Section  
20 4.03 of the Regional Transportation Authority Act, for deposit  
21 therein shall be made based upon the retail sales occurring in  
22 a county having more than 3,000,000 inhabitants. The remainder  
23 shall be distributed to each county having 3,000,000 or fewer  
24 inhabitants based upon the retail sales occurring in each such

1 county.

2 For the purpose of determining allocation to the local  
3 government unit, a retail sale by a producer of coal or other  
4 mineral mined in Illinois is a sale at retail at the place  
5 where the coal or other mineral mined in Illinois is extracted  
6 from the earth. This paragraph does not apply to coal or other  
7 mineral when it is delivered or shipped by the seller to the  
8 purchaser at a point outside Illinois so that the sale is  
9 exempt under the United States Constitution as a sale in  
10 interstate or foreign commerce.

11 Of the money received from the 6.25% general use tax rate  
12 on tangible personal property which is purchased outside  
13 Illinois at retail from a retailer and which is titled or  
14 registered by any agency of this State's government and paid  
15 into the County and Mass Transit District Fund, the amount for  
16 which Illinois addresses for titling or registration purposes  
17 are given as being in each county having more than 3,000,000  
18 inhabitants shall be distributed into the Regional  
19 Transportation Authority tax fund, created pursuant to Section  
20 4.03 of the Regional Transportation Authority Act. The  
21 remainder of the money paid from such sales shall be  
22 distributed to each county based on sales for which Illinois  
23 addresses for titling or registration purposes are given as  
24 being located in the county. Any money paid into the Regional  
25 Transportation Authority Occupation and Use Tax Replacement  
26 Fund from the County and Mass Transit District Fund prior to

1 January 14, 1991, which has not been paid to the Authority  
2 prior to that date, shall be transferred to the Regional  
3 Transportation Authority tax fund.

4 Whenever the Department determines that a refund of money  
5 paid into the County and Mass Transit District Fund should be  
6 made to a claimant instead of issuing a credit memorandum, the  
7 Department shall notify the State Comptroller, who shall cause  
8 the order to be drawn for the amount specified, and to the  
9 person named, in such notification from the Department. Such  
10 refund shall be paid by the State Treasurer out of the County  
11 and Mass Transit District Fund.

12 As soon as possible after the first day of each month,  
13 beginning January 1, 2011, upon certification of the Department  
14 of Revenue, the Comptroller shall order transferred, and the  
15 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
16 local sales tax increment, as defined in the Innovation  
17 Development and Economy Act, collected during the second  
18 preceding calendar month for sales within a STAR bond district  
19 and deposited into the County and Mass Transit District Fund,  
20 less 3% of that amount, which shall be transferred into the Tax  
21 Compliance and Administration Fund and shall be used by the  
22 Department, subject to appropriation, to cover the costs of the  
23 Department in administering the Innovation Development and  
24 Economy Act.

25 After the monthly transfer to the STAR Bonds Revenue Fund,  
26 on or before the 25th day of each calendar month, the

1 Department shall prepare and certify to the Comptroller the  
2 disbursement of stated sums of money to the Regional  
3 Transportation Authority and to named counties, the counties to  
4 be those entitled to distribution, as hereinabove provided, of  
5 taxes or penalties paid to the Department during the second  
6 preceding calendar month. The amount to be paid to the Regional  
7 Transportation Authority and each county having 3,000,000 or  
8 fewer inhabitants shall be the amount (not including credit  
9 memoranda) collected during the second preceding calendar  
10 month by the Department and paid into the County and Mass  
11 Transit District Fund, plus an amount the Department determines  
12 is necessary to offset any amounts which were erroneously paid  
13 to a different taxing body, and not including an amount equal  
14 to the amount of refunds made during the second preceding  
15 calendar month by the Department, and not including any amount  
16 which the Department determines is necessary to offset any  
17 amounts which were payable to a different taxing body but were  
18 erroneously paid to the Regional Transportation Authority or  
19 county, and not including any amounts that are transferred to  
20 the STAR Bonds Revenue Fund, less 2% of the amount to be paid  
21 to the Regional Transportation Authority, which shall be  
22 transferred into the Tax Compliance and Administration Fund.  
23 The Department, at the time of each monthly disbursement to the  
24 Regional Transportation Authority, shall prepare and certify  
25 to the State Comptroller the amount to be transferred into the  
26 Tax Compliance and Administration Fund under this Section.

1 Within 10 days after receipt, by the Comptroller, of the  
2 disbursement certification to the Regional Transportation  
3 Authority, ~~and~~ counties, and the Tax Compliance and  
4 Administration Fund, provided for in this Section to be given  
5 to the Comptroller by the Department, the Comptroller shall  
6 cause the orders to be drawn for the respective amounts in  
7 accordance with the directions contained in such  
8 certification.

9 When certifying the amount of a monthly disbursement to the  
10 Regional Transportation Authority or to a county under this  
11 Section, the Department shall increase or decrease that amount  
12 by an amount necessary to offset any misallocation of previous  
13 disbursements. The offset amount shall be the amount  
14 erroneously disbursed within the 6 months preceding the time a  
15 misallocation is discovered.

16 The provisions directing the distributions from the  
17 special fund in the State Treasury provided for in this Section  
18 and from the Regional Transportation Authority tax fund created  
19 by Section 4.03 of the Regional Transportation Authority Act  
20 shall constitute an irrevocable and continuing appropriation  
21 of all amounts as provided herein. The State Treasurer and  
22 State Comptroller are hereby authorized to make distributions  
23 as provided in this Section.

24 In construing any development, redevelopment, annexation,  
25 preannexation or other lawful agreement in effect prior to  
26 September 1, 1990, which describes or refers to receipts from a

1 county or municipal retailers' occupation tax, use tax or  
2 service occupation tax which now cannot be imposed, such  
3 description or reference shall be deemed to include the  
4 replacement revenue for such abolished taxes, distributed from  
5 the County and Mass Transit District Fund or Local Government  
6 Distributive Fund, as the case may be.

7 (Source: P.A. 96-939, eff. 6-24-10; 96-1012, eff. 7-7-10;  
8 97-333, eff. 8-12-11.)

9 Section 15. The Counties Code is amended by changing  
10 Sections 5-1006, 5-1006.5, and 5-1007 as follows:

11 (55 ILCS 5/5-1006) (from Ch. 34, par. 5-1006)

12 Sec. 5-1006. Home Rule County Retailers' Occupation Tax  
13 Law. Any county that is a home rule unit may impose a tax upon  
14 all persons engaged in the business of selling tangible  
15 personal property, other than an item of tangible personal  
16 property titled or registered with an agency of this State's  
17 government, at retail in the county on the gross receipts from  
18 such sales made in the course of their business. If imposed,  
19 this tax shall only be imposed in 1/4% increments. On and after  
20 September 1, 1991, this additional tax may not be imposed on  
21 the sales of food for human consumption which is to be consumed  
22 off the premises where it is sold (other than alcoholic  
23 beverages, soft drinks and food which has been prepared for  
24 immediate consumption) and prescription and nonprescription

1 medicines, drugs, medical appliances and insulin, urine  
2 testing materials, syringes and needles used by diabetics. The  
3 tax imposed by a home rule county pursuant to this Section and  
4 all civil penalties that may be assessed as an incident thereof  
5 shall be collected and enforced by the State Department of  
6 Revenue. The certificate of registration that is issued by the  
7 Department to a retailer under the Retailers' Occupation Tax  
8 Act shall permit the retailer to engage in a business that is  
9 taxable under any ordinance or resolution enacted pursuant to  
10 this Section without registering separately with the  
11 Department under such ordinance or resolution or under this  
12 Section. The Department shall have full power to administer and  
13 enforce this Section; to collect all taxes and penalties due  
14 hereunder; to dispose of taxes and penalties so collected in  
15 the manner hereinafter provided; and to determine all rights to  
16 credit memoranda arising on account of the erroneous payment of  
17 tax or penalty hereunder. In the administration of, and  
18 compliance with, this Section, the Department and persons who  
19 are subject to this Section shall have the same rights,  
20 remedies, privileges, immunities, powers and duties, and be  
21 subject to the same conditions, restrictions, limitations,  
22 penalties and definitions of terms, and employ the same modes  
23 of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1d,  
24 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-65 (in respect to all  
25 provisions therein other than the State rate of tax), 4, 5, 5a,  
26 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,

1 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act  
2 and Section 3-7 of the Uniform Penalty and Interest Act, as  
3 fully as if those provisions were set forth herein.

4 No tax may be imposed by a home rule county pursuant to  
5 this Section unless the county also imposes a tax at the same  
6 rate pursuant to Section 5-1007.

7 Persons subject to any tax imposed pursuant to the  
8 authority granted in this Section may reimburse themselves for  
9 their seller's tax liability hereunder by separately stating  
10 such tax as an additional charge, which charge may be stated in  
11 combination, in a single amount, with State tax which sellers  
12 are required to collect under the Use Tax Act, pursuant to such  
13 bracket schedules as the Department may prescribe.

14 Whenever the Department determines that a refund should be  
15 made under this Section to a claimant instead of issuing a  
16 credit memorandum, the Department shall notify the State  
17 Comptroller, who shall cause the order to be drawn for the  
18 amount specified and to the person named in the notification  
19 from the Department. The refund shall be paid by the State  
20 Treasurer out of the home rule county retailers' occupation tax  
21 fund.

22 The Department shall forthwith pay over to the State  
23 Treasurer, ex officio, as trustee, all taxes and penalties  
24 collected hereunder.

25 As soon as possible after the first day of each month,  
26 beginning January 1, 2011, upon certification of the Department

1 of Revenue, the Comptroller shall order transferred, and the  
2 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
3 local sales tax increment, as defined in the Innovation  
4 Development and Economy Act, collected under this Section  
5 during the second preceding calendar month for sales within a  
6 STAR bond district.

7 After the monthly transfer to the STAR Bonds Revenue Fund,  
8 on or before the 25th day of each calendar month, the  
9 Department shall prepare and certify to the Comptroller the  
10 disbursement of stated sums of money to named counties, the  
11 counties to be those from which retailers have paid taxes or  
12 penalties hereunder to the Department during the second  
13 preceding calendar month. The amount to be paid to each county  
14 shall be the amount (not including credit memoranda) collected  
15 hereunder during the second preceding calendar month by the  
16 Department plus an amount the Department determines is  
17 necessary to offset any amounts that were erroneously paid to a  
18 different taxing body, and not including an amount equal to the  
19 amount of refunds made during the second preceding calendar  
20 month by the Department on behalf of such county, and not  
21 including any amount which the Department determines is  
22 necessary to offset any amounts which were payable to a  
23 different taxing body but were erroneously paid to the county,  
24 and not including any amounts that are transferred to the STAR  
25 Bonds Revenue Fund, less 2% of the remainder, which the  
26 Department shall transfer into the Tax Compliance and

1 Administration Fund. The Department, at the time of each  
2 monthly disbursement to the counties, shall prepare and certify  
3 to the State Comptroller the amount to be transferred into the  
4 Tax Compliance and Administration Fund under this Section.

5 Within 10 days after receipt, by the Comptroller, of the  
6 disbursement certification to the counties and the Tax  
7 Compliance and Administration Fund provided for in this Section  
8 to be given to the Comptroller by the Department, the  
9 Comptroller shall cause the orders to be drawn for the  
10 respective amounts in accordance with the directions contained  
11 in the certification.

12 In addition to the disbursement required by the preceding  
13 paragraph, an allocation shall be made in March of each year to  
14 each county that received more than \$500,000 in disbursements  
15 under the preceding paragraph in the preceding calendar year.  
16 The allocation shall be in an amount equal to the average  
17 monthly distribution made to each such county under the  
18 preceding paragraph during the preceding calendar year  
19 (excluding the 2 months of highest receipts). The distribution  
20 made in March of each year subsequent to the year in which an  
21 allocation was made pursuant to this paragraph and the  
22 preceding paragraph shall be reduced by the amount allocated  
23 and disbursed under this paragraph in the preceding calendar  
24 year. The Department shall prepare and certify to the  
25 Comptroller for disbursement the allocations made in  
26 accordance with this paragraph.

1           For the purpose of determining the local governmental unit  
2 whose tax is applicable, a retail sale by a producer of coal or  
3 other mineral mined in Illinois is a sale at retail at the  
4 place where the coal or other mineral mined in Illinois is  
5 extracted from the earth. This paragraph does not apply to coal  
6 or other mineral when it is delivered or shipped by the seller  
7 to the purchaser at a point outside Illinois so that the sale  
8 is exempt under the United States Constitution as a sale in  
9 interstate or foreign commerce.

10           Nothing in this Section shall be construed to authorize a  
11 county to impose a tax upon the privilege of engaging in any  
12 business which under the Constitution of the United States may  
13 not be made the subject of taxation by this State.

14           An ordinance or resolution imposing or discontinuing a tax  
15 hereunder or effecting a change in the rate thereof shall be  
16 adopted and a certified copy thereof filed with the Department  
17 on or before the first day of June, whereupon the Department  
18 shall proceed to administer and enforce this Section as of the  
19 first day of September next following such adoption and filing.  
20 Beginning January 1, 1992, an ordinance or resolution imposing  
21 or discontinuing the tax hereunder or effecting a change in the  
22 rate thereof shall be adopted and a certified copy thereof  
23 filed with the Department on or before the first day of July,  
24 whereupon the Department shall proceed to administer and  
25 enforce this Section as of the first day of October next  
26 following such adoption and filing. Beginning January 1, 1993,

1 an ordinance or resolution imposing or discontinuing the tax  
2 hereunder or effecting a change in the rate thereof shall be  
3 adopted and a certified copy thereof filed with the Department  
4 on or before the first day of October, whereupon the Department  
5 shall proceed to administer and enforce this Section as of the  
6 first day of January next following such adoption and filing.  
7 Beginning April 1, 1998, an ordinance or resolution imposing or  
8 discontinuing the tax hereunder or effecting a change in the  
9 rate thereof shall either (i) be adopted and a certified copy  
10 thereof filed with the Department on or before the first day of  
11 April, whereupon the Department shall proceed to administer and  
12 enforce this Section as of the first day of July next following  
13 the adoption and filing; or (ii) be adopted and a certified  
14 copy thereof filed with the Department on or before the first  
15 day of October, whereupon the Department shall proceed to  
16 administer and enforce this Section as of the first day of  
17 January next following the adoption and filing.

18 When certifying the amount of a monthly disbursement to a  
19 county under this Section, the Department shall increase or  
20 decrease such amount by an amount necessary to offset any  
21 misallocation of previous disbursements. The offset amount  
22 shall be the amount erroneously disbursed within the previous 6  
23 months from the time a misallocation is discovered.

24 This Section shall be known and may be cited as the Home  
25 Rule County Retailers' Occupation Tax Law.

26 (Source: P.A. 99-217, eff. 7-31-15.)

1 (55 ILCS 5/5-1006.5)

2 Sec. 5-1006.5. Special County Retailers' Occupation Tax  
3 For Public Safety, Public Facilities, or Transportation.

4 (a) The county board of any county may impose a tax upon  
5 all persons engaged in the business of selling tangible  
6 personal property, other than personal property titled or  
7 registered with an agency of this State's government, at retail  
8 in the county on the gross receipts from the sales made in the  
9 course of business to provide revenue to be used exclusively  
10 for public safety, public facility, or transportation purposes  
11 in that county, if a proposition for the tax has been submitted  
12 to the electors of that county and approved by a majority of  
13 those voting on the question. If imposed, this tax shall be  
14 imposed only in one-quarter percent increments. By resolution,  
15 the county board may order the proposition to be submitted at  
16 any election. If the tax is imposed for transportation purposes  
17 for expenditures for public highways or as authorized under the  
18 Illinois Highway Code, the county board must publish notice of  
19 the existence of its long-range highway transportation plan as  
20 required or described in Section 5-301 of the Illinois Highway  
21 Code and must make the plan publicly available prior to  
22 approval of the ordinance or resolution imposing the tax. If  
23 the tax is imposed for transportation purposes for expenditures  
24 for passenger rail transportation, the county board must  
25 publish notice of the existence of its long-range passenger

1 rail transportation plan and must make the plan publicly  
2 available prior to approval of the ordinance or resolution  
3 imposing the tax.

4 If a tax is imposed for public facilities purposes, then  
5 the name of the project may be included in the proposition at  
6 the discretion of the county board as determined in the  
7 enabling resolution. For example, the "XXX Nursing Home" or the  
8 "YYY Museum".

9 The county clerk shall certify the question to the proper  
10 election authority, who shall submit the proposition at an  
11 election in accordance with the general election law.

12 (1) The proposition for public safety purposes shall be  
13 in substantially the following form:

14 "To pay for public safety purposes, shall (name of  
15 county) be authorized to impose an increase on its share of  
16 local sales taxes by (insert rate)?"

17 As additional information on the ballot below the  
18 question shall appear the following:

19 "This would mean that a consumer would pay an  
20 additional (insert amount) in sales tax for every \$100 of  
21 tangible personal property bought at retail."

22 The county board may also opt to establish a sunset  
23 provision at which time the additional sales tax would  
24 cease being collected, if not terminated earlier by a vote  
25 of the county board. If the county board votes to include a  
26 sunset provision, the proposition for public safety

1 purposes shall be in substantially the following form:

2 "To pay for public safety purposes, shall (name of  
3 county) be authorized to impose an increase on its share of  
4 local sales taxes by (insert rate) for a period not to  
5 exceed (insert number of years)?"

6 As additional information on the ballot below the  
7 question shall appear the following:

8 "This would mean that a consumer would pay an  
9 additional (insert amount) in sales tax for every \$100 of  
10 tangible personal property bought at retail. If imposed,  
11 the additional tax would cease being collected at the end  
12 of (insert number of years), if not terminated earlier by a  
13 vote of the county board."

14 For the purposes of the paragraph, "public safety  
15 purposes" means crime prevention, detention, fire  
16 fighting, police, medical, ambulance, or other emergency  
17 services.

18 Votes shall be recorded as "Yes" or "No".

19 Beginning on the January 1 or July 1, whichever is first,  
20 that occurs not less than 30 days after May 31, 2015 (the  
21 effective date of Public Act 99-4 ~~this amendatory Act of the~~  
22 ~~99th General Assembly~~, Adams County may impose a public safety  
23 retailers' occupation tax and service occupation tax at the  
24 rate of 0.25%, as provided in the referendum approved by the  
25 voters on April 7, 2015, notwithstanding the omission of the  
26 additional information that is otherwise required to be printed

1 on the ballot below the question pursuant to this item (1).

2 (2) The proposition for transportation purposes shall  
3 be in substantially the following form:

4 "To pay for improvements to roads and other  
5 transportation purposes, shall (name of county) be  
6 authorized to impose an increase on its share of local  
7 sales taxes by (insert rate)?"

8 As additional information on the ballot below the  
9 question shall appear the following:

10 "This would mean that a consumer would pay an  
11 additional (insert amount) in sales tax for every \$100 of  
12 tangible personal property bought at retail."

13 The county board may also opt to establish a sunset  
14 provision at which time the additional sales tax would  
15 cease being collected, if not terminated earlier by a vote  
16 of the county board. If the county board votes to include a  
17 sunset provision, the proposition for transportation  
18 purposes shall be in substantially the following form:

19 "To pay for road improvements and other transportation  
20 purposes, shall (name of county) be authorized to impose an  
21 increase on its share of local sales taxes by (insert rate)  
22 for a period not to exceed (insert number of years)?"

23 As additional information on the ballot below the  
24 question shall appear the following:

25 "This would mean that a consumer would pay an  
26 additional (insert amount) in sales tax for every \$100 of

1           tangible personal property bought at retail. If imposed,  
2           the additional tax would cease being collected at the end  
3           of (insert number of years), if not terminated earlier by a  
4           vote of the county board."

5           For the purposes of this paragraph, transportation  
6           purposes means construction, maintenance, operation, and  
7           improvement of public highways, any other purpose for which  
8           a county may expend funds under the Illinois Highway Code,  
9           and passenger rail transportation.

10          The votes shall be recorded as "Yes" or "No".

11          (3) The proposition for public facilities purposes  
12          shall be in substantially the following form:

13          "To pay for public facilities purposes, shall (name of  
14          county) be authorized to impose an increase on its share of  
15          local sales taxes by (insert rate)?"

16          As additional information on the ballot below the  
17          question shall appear the following:

18          "This would mean that a consumer would pay an  
19          additional (insert amount) in sales tax for every \$100 of  
20          tangible personal property bought at retail."

21          The county board may also opt to establish a sunset  
22          provision at which time the additional sales tax would  
23          cease being collected, if not terminated earlier by a vote  
24          of the county board. If the county board votes to include a  
25          sunset provision, the proposition for public facilities  
26          purposes shall be in substantially the following form:

1            "To pay for public facilities purposes, shall (name of  
2 county) be authorized to impose an increase on its share of  
3 local sales taxes by (insert rate) for a period not to  
4 exceed (insert number of years)?"

5            As additional information on the ballot below the  
6 question shall appear the following:

7            "This would mean that a consumer would pay an  
8 additional (insert amount) in sales tax for every \$100 of  
9 tangible personal property bought at retail. If imposed,  
10 the additional tax would cease being collected at the end  
11 of (insert number of years), if not terminated earlier by a  
12 vote of the county board."

13           For purposes of this Section, "public facilities  
14 purposes" means the acquisition, development,  
15 construction, reconstruction, rehabilitation, improvement,  
16 financing, architectural planning, and installation of  
17 capital facilities consisting of buildings, structures,  
18 and durable equipment and for the acquisition and  
19 improvement of real property and interest in real property  
20 required, or expected to be required, in connection with  
21 the public facilities, for use by the county for the  
22 furnishing of governmental services to its citizens,  
23 including but not limited to museums and nursing homes.

24           The votes shall be recorded as "Yes" or "No".

25           If a majority of the electors voting on the proposition  
26 vote in favor of it, the county may impose the tax. A county

1 may not submit more than one proposition authorized by this  
2 Section to the electors at any one time.

3 This additional tax may not be imposed on the sales of food  
4 for human consumption that is to be consumed off the premises  
5 where it is sold (other than alcoholic beverages, soft drinks,  
6 and food which has been prepared for immediate consumption) and  
7 prescription and non-prescription medicines, drugs, medical  
8 appliances and insulin, urine testing materials, syringes, and  
9 needles used by diabetics. The tax imposed by a county under  
10 this Section and all civil penalties that may be assessed as an  
11 incident of the tax shall be collected and enforced by the  
12 Illinois Department of Revenue and deposited into a special  
13 fund created for that purpose. The certificate of registration  
14 that is issued by the Department to a retailer under the  
15 Retailers' Occupation Tax Act shall permit the retailer to  
16 engage in a business that is taxable without registering  
17 separately with the Department under an ordinance or resolution  
18 under this Section. The Department has full power to administer  
19 and enforce this Section, to collect all taxes and penalties  
20 due under this Section, to dispose of taxes and penalties so  
21 collected in the manner provided in this Section, and to  
22 determine all rights to credit memoranda arising on account of  
23 the erroneous payment of a tax or penalty under this Section.  
24 In the administration of and compliance with this Section, the  
25 Department and persons who are subject to this Section shall  
26 (i) have the same rights, remedies, privileges, immunities,

1 powers, and duties, (ii) be subject to the same conditions,  
2 restrictions, limitations, penalties, and definitions of  
3 terms, and (iii) employ the same modes of procedure as are  
4 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m,  
5 1n, 2 through 2-70 (in respect to all provisions contained in  
6 those Sections other than the State rate of tax), 2a, 2b, 2c, 3  
7 (except provisions relating to transaction returns and quarter  
8 monthly payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,  
9 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13  
10 of the Retailers' Occupation Tax Act and Section 3-7 of the  
11 Uniform Penalty and Interest Act as if those provisions were  
12 set forth in this Section.

13 Persons subject to any tax imposed under the authority  
14 granted in this Section may reimburse themselves for their  
15 sellers' tax liability by separately stating the tax as an  
16 additional charge, which charge may be stated in combination,  
17 in a single amount, with State tax which sellers are required  
18 to collect under the Use Tax Act, pursuant to such bracketed  
19 schedules as the Department may prescribe.

20 Whenever the Department determines that a refund should be  
21 made under this Section to a claimant instead of issuing a  
22 credit memorandum, the Department shall notify the State  
23 Comptroller, who shall cause the order to be drawn for the  
24 amount specified and to the person named in the notification  
25 from the Department. The refund shall be paid by the State  
26 Treasurer out of the County Public Safety or Transportation

1 Retailers' Occupation Tax Fund.

2 (b) If a tax has been imposed under subsection (a), a  
3 service occupation tax shall also be imposed at the same rate  
4 upon all persons engaged, in the county, in the business of  
5 making sales of service, who, as an incident to making those  
6 sales of service, transfer tangible personal property within  
7 the county as an incident to a sale of service. This tax may  
8 not be imposed on sales of food for human consumption that is  
9 to be consumed off the premises where it is sold (other than  
10 alcoholic beverages, soft drinks, and food prepared for  
11 immediate consumption) and prescription and non-prescription  
12 medicines, drugs, medical appliances and insulin, urine  
13 testing materials, syringes, and needles used by diabetics. The  
14 tax imposed under this subsection and all civil penalties that  
15 may be assessed as an incident thereof shall be collected and  
16 enforced by the Department of Revenue. The Department has full  
17 power to administer and enforce this subsection; to collect all  
18 taxes and penalties due hereunder; to dispose of taxes and  
19 penalties so collected in the manner hereinafter provided; and  
20 to determine all rights to credit memoranda arising on account  
21 of the erroneous payment of tax or penalty hereunder. In the  
22 administration of, and compliance with this subsection, the  
23 Department and persons who are subject to this paragraph shall  
24 (i) have the same rights, remedies, privileges, immunities,  
25 powers, and duties, (ii) be subject to the same conditions,  
26 restrictions, limitations, penalties, exclusions, exemptions,

1 and definitions of terms, and (iii) employ the same modes of  
2 procedure as are prescribed in Sections 2 (except that the  
3 reference to State in the definition of supplier maintaining a  
4 place of business in this State shall mean the county), 2a, 2b,  
5 2c, 3 through 3-50 (in respect to all provisions therein other  
6 than the State rate of tax), 4 (except that the reference to  
7 the State shall be to the county), 5, 7, 8 (except that the  
8 jurisdiction to which the tax shall be a debt to the extent  
9 indicated in that Section 8 shall be the county), 9 (except as  
10 to the disposition of taxes and penalties collected), 10, 11,  
11 12 (except the reference therein to Section 2b of the  
12 Retailers' Occupation Tax Act), 13 (except that any reference  
13 to the State shall mean the county), Section 15, 16, 17, 18, 19  
14 and 20 of the Service Occupation Tax Act and Section 3-7 of the  
15 Uniform Penalty and Interest Act, as fully as if those  
16 provisions were set forth herein.

17 Persons subject to any tax imposed under the authority  
18 granted in this subsection may reimburse themselves for their  
19 serviceman's tax liability by separately stating the tax as an  
20 additional charge, which charge may be stated in combination,  
21 in a single amount, with State tax that servicemen are  
22 authorized to collect under the Service Use Tax Act, in  
23 accordance with such bracket schedules as the Department may  
24 prescribe.

25 Whenever the Department determines that a refund should be  
26 made under this subsection to a claimant instead of issuing a

1 credit memorandum, the Department shall notify the State  
2 Comptroller, who shall cause the warrant to be drawn for the  
3 amount specified, and to the person named, in the notification  
4 from the Department. The refund shall be paid by the State  
5 Treasurer out of the County Public Safety or Transportation  
6 Retailers' Occupation Fund.

7 Nothing in this subsection shall be construed to authorize  
8 the county to impose a tax upon the privilege of engaging in  
9 any business which under the Constitution of the United States  
10 may not be made the subject of taxation by the State.

11 (c) The Department shall immediately pay over to the State  
12 Treasurer, ex officio, as trustee, all taxes and penalties  
13 collected under this Section to be deposited into the County  
14 Public Safety or Transportation Retailers' Occupation Tax  
15 Fund, which shall be an unappropriated trust fund held outside  
16 of the State treasury.

17 As soon as possible after the first day of each month,  
18 beginning January 1, 2011, upon certification of the Department  
19 of Revenue, the Comptroller shall order transferred, and the  
20 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
21 local sales tax increment, as defined in the Innovation  
22 Development and Economy Act, collected under this Section  
23 during the second preceding calendar month for sales within a  
24 STAR bond district.

25 After the monthly transfer to the STAR Bonds Revenue Fund,  
26 on or before the 25th day of each calendar month, the

1 Department shall prepare and certify to the Comptroller the  
2 disbursement of stated sums of money to the counties from which  
3 retailers have paid taxes or penalties to the Department during  
4 the second preceding calendar month. The amount to be paid to  
5 each county, and deposited by the county into its special fund  
6 created for the purposes of this Section, shall be the amount  
7 (not including credit memoranda) collected under this Section  
8 during the second preceding calendar month by the Department  
9 plus an amount the Department determines is necessary to offset  
10 any amounts that were erroneously paid to a different taxing  
11 body, and not including (i) an amount equal to the amount of  
12 refunds made during the second preceding calendar month by the  
13 Department on behalf of the county, (ii) any amount that the  
14 Department determines is necessary to offset any amounts that  
15 were payable to a different taxing body but were erroneously  
16 paid to the county, ~~and~~ (iii) any amounts that are transferred  
17 to the STAR Bonds Revenue Fund, and (iv) 2% of the remainder,  
18 which shall be transferred into the Tax Compliance and  
19 Administration Fund. The Department, at the time of each  
20 monthly disbursement to the counties, shall prepare and certify  
21 to the State Comptroller the amount to be transferred into the  
22 Tax Compliance and Administration Fund under this subsection.  
23 Within 10 days after receipt by the Comptroller of the  
24 disbursement certification to the counties and the Tax  
25 Compliance and Administration Fund provided for in this Section  
26 to be given to the Comptroller by the Department, the

1 Comptroller shall cause the orders to be drawn for the  
2 respective amounts in accordance with directions contained in  
3 the certification.

4 In addition to the disbursement required by the preceding  
5 paragraph, an allocation shall be made in March of each year to  
6 each county that received more than \$500,000 in disbursements  
7 under the preceding paragraph in the preceding calendar year.  
8 The allocation shall be in an amount equal to the average  
9 monthly distribution made to each such county under the  
10 preceding paragraph during the preceding calendar year  
11 (excluding the 2 months of highest receipts). The distribution  
12 made in March of each year subsequent to the year in which an  
13 allocation was made pursuant to this paragraph and the  
14 preceding paragraph shall be reduced by the amount allocated  
15 and disbursed under this paragraph in the preceding calendar  
16 year. The Department shall prepare and certify to the  
17 Comptroller for disbursement the allocations made in  
18 accordance with this paragraph.

19 A county may direct, by ordinance, that all or a portion of  
20 the taxes and penalties collected under the Special County  
21 Retailers' Occupation Tax For Public Safety or Transportation  
22 be deposited into the Transportation Development Partnership  
23 Trust Fund.

24 (d) For the purpose of determining the local governmental  
25 unit whose tax is applicable, a retail sale by a producer of  
26 coal or another mineral mined in Illinois is a sale at retail

1 at the place where the coal or other mineral mined in Illinois  
2 is extracted from the earth. This paragraph does not apply to  
3 coal or another mineral when it is delivered or shipped by the  
4 seller to the purchaser at a point outside Illinois so that the  
5 sale is exempt under the United States Constitution as a sale  
6 in interstate or foreign commerce.

7 (e) Nothing in this Section shall be construed to authorize  
8 a county to impose a tax upon the privilege of engaging in any  
9 business that under the Constitution of the United States may  
10 not be made the subject of taxation by this State.

11 (e-5) If a county imposes a tax under this Section, the  
12 county board may, by ordinance, discontinue or lower the rate  
13 of the tax. If the county board lowers the tax rate or  
14 discontinues the tax, a referendum must be held in accordance  
15 with subsection (a) of this Section in order to increase the  
16 rate of the tax or to reimpose the discontinued tax.

17 (f) Beginning April 1, 1998 and through December 31, 2013,  
18 the results of any election authorizing a proposition to impose  
19 a tax under this Section or effecting a change in the rate of  
20 tax, or any ordinance lowering the rate or discontinuing the  
21 tax, shall be certified by the county clerk and filed with the  
22 Illinois Department of Revenue either (i) on or before the  
23 first day of April, whereupon the Department shall proceed to  
24 administer and enforce the tax as of the first day of July next  
25 following the filing; or (ii) on or before the first day of  
26 October, whereupon the Department shall proceed to administer

1 and enforce the tax as of the first day of January next  
2 following the filing.

3 Beginning January 1, 2014, the results of any election  
4 authorizing a proposition to impose a tax under this Section or  
5 effecting an increase in the rate of tax, along with the  
6 ordinance adopted to impose the tax or increase the rate of the  
7 tax, or any ordinance adopted to lower the rate or discontinue  
8 the tax, shall be certified by the county clerk and filed with  
9 the Illinois Department of Revenue either (i) on or before the  
10 first day of May, whereupon the Department shall proceed to  
11 administer and enforce the tax as of the first day of July next  
12 following the adoption and filing; or (ii) on or before the  
13 first day of October, whereupon the Department shall proceed to  
14 administer and enforce the tax as of the first day of January  
15 next following the adoption and filing.

16 (g) When certifying the amount of a monthly disbursement to  
17 a county under this Section, the Department shall increase or  
18 decrease the amounts by an amount necessary to offset any  
19 miscalculation of previous disbursements. The offset amount  
20 shall be the amount erroneously disbursed within the previous 6  
21 months from the time a miscalculation is discovered.

22 (h) This Section may be cited as the "Special County  
23 Occupation Tax For Public Safety, Public Facilities, or  
24 Transportation Law".

25 (i) For purposes of this Section, "public safety" includes,  
26 but is not limited to, crime prevention, detention, fire

1 fighting, police, medical, ambulance, or other emergency  
2 services. The county may share tax proceeds received under this  
3 Section for public safety purposes, including proceeds  
4 received before August 4, 2009 (the effective date of Public  
5 Act 96-124), with any fire protection district located in the  
6 county. For the purposes of this Section, "transportation"  
7 includes, but is not limited to, the construction, maintenance,  
8 operation, and improvement of public highways, any other  
9 purpose for which a county may expend funds under the Illinois  
10 Highway Code, and passenger rail transportation. For the  
11 purposes of this Section, "public facilities purposes"  
12 includes, but is not limited to, the acquisition, development,  
13 construction, reconstruction, rehabilitation, improvement,  
14 financing, architectural planning, and installation of capital  
15 facilities consisting of buildings, structures, and durable  
16 equipment and for the acquisition and improvement of real  
17 property and interest in real property required, or expected to  
18 be required, in connection with the public facilities, for use  
19 by the county for the furnishing of governmental services to  
20 its citizens, including but not limited to museums and nursing  
21 homes.

22 (j) The Department may promulgate rules to implement Public  
23 Act 95-1002 only to the extent necessary to apply the existing  
24 rules for the Special County Retailers' Occupation Tax for  
25 Public Safety to this new purpose for public facilities.

26 (Source: P.A. 98-584, eff. 8-27-13; 99-4, eff. 5-31-15; 99-217,

1 eff. 7-31-15; revised 11-6-15.)

2 (55 ILCS 5/5-1007) (from Ch. 34, par. 5-1007)

3 Sec. 5-1007. Home Rule County Service Occupation Tax Law.

4 The corporate authorities of a home rule county may impose a  
5 tax upon all persons engaged, in such county, in the business  
6 of making sales of service at the same rate of tax imposed  
7 pursuant to Section 5-1006 of the selling price of all tangible  
8 personal property transferred by such servicemen either in the  
9 form of tangible personal property or in the form of real  
10 estate as an incident to a sale of service. If imposed, such  
11 tax shall only be imposed in 1/4% increments. On and after  
12 September 1, 1991, this additional tax may not be imposed on  
13 the sales of food for human consumption which is to be consumed  
14 off the premises where it is sold (other than alcoholic  
15 beverages, soft drinks and food which has been prepared for  
16 immediate consumption) and prescription and nonprescription  
17 medicines, drugs, medical appliances and insulin, urine  
18 testing materials, syringes and needles used by diabetics. The  
19 tax imposed by a home rule county pursuant to this Section and  
20 all civil penalties that may be assessed as an incident thereof  
21 shall be collected and enforced by the State Department of  
22 Revenue. The certificate of registration which is issued by the  
23 Department to a retailer under the Retailers' Occupation Tax  
24 Act or under the Service Occupation Tax Act shall permit such  
25 registrant to engage in a business which is taxable under any

1 ordinance or resolution enacted pursuant to this Section  
2 without registering separately with the Department under such  
3 ordinance or resolution or under this Section. The Department  
4 shall have full power to administer and enforce this Section;  
5 to collect all taxes and penalties due hereunder; to dispose of  
6 taxes and penalties so collected in the manner hereinafter  
7 provided; and to determine all rights to credit memoranda  
8 arising on account of the erroneous payment of tax or penalty  
9 hereunder. In the administration of, and compliance with, this  
10 Section the Department and persons who are subject to this  
11 Section shall have the same rights, remedies, privileges,  
12 immunities, powers and duties, and be subject to the same  
13 conditions, restrictions, limitations, penalties and  
14 definitions of terms, and employ the same modes of procedure,  
15 as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in  
16 respect to all provisions therein other than the State rate of  
17 tax), 4 (except that the reference to the State shall be to the  
18 taxing county), 5, 7, 8 (except that the jurisdiction to which  
19 the tax shall be a debt to the extent indicated in that Section  
20 8 shall be the taxing county), 9 (except as to the disposition  
21 of taxes and penalties collected, and except that the returned  
22 merchandise credit for this county tax may not be taken against  
23 any State tax), 10, 11, 12 (except the reference therein to  
24 Section 2b of the Retailers' Occupation Tax Act), 13 (except  
25 that any reference to the State shall mean the taxing county),  
26 the first paragraph of Section 15, 16, 17, 18, 19 and 20 of the

1 Service Occupation Tax Act and Section 3-7 of the Uniform  
2 Penalty and Interest Act, as fully as if those provisions were  
3 set forth herein.

4 No tax may be imposed by a home rule county pursuant to  
5 this Section unless such county also imposes a tax at the same  
6 rate pursuant to Section 5-1006.

7 Persons subject to any tax imposed pursuant to the  
8 authority granted in this Section may reimburse themselves for  
9 their serviceman's tax liability hereunder by separately  
10 stating such tax as an additional charge, which charge may be  
11 stated in combination, in a single amount, with State tax which  
12 servicemen are authorized to collect under the Service Use Tax  
13 Act, pursuant to such bracket schedules as the Department may  
14 prescribe.

15 Whenever the Department determines that a refund should be  
16 made under this Section to a claimant instead of issuing credit  
17 memorandum, the Department shall notify the State Comptroller,  
18 who shall cause the order to be drawn for the amount specified,  
19 and to the person named, in such notification from the  
20 Department. Such refund shall be paid by the State Treasurer  
21 out of the home rule county retailers' occupation tax fund.

22 The Department shall forthwith pay over to the State  
23 Treasurer, ex-officio, as trustee, all taxes and penalties  
24 collected hereunder.

25 As soon as possible after the first day of each month,  
26 beginning January 1, 2011, upon certification of the Department

1 of Revenue, the Comptroller shall order transferred, and the  
2 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
3 local sales tax increment, as defined in the Innovation  
4 Development and Economy Act, collected under this Section  
5 during the second preceding calendar month for sales within a  
6 STAR bond district.

7 After the monthly transfer to the STAR Bonds Revenue Fund,  
8 on or before the 25th day of each calendar month, the  
9 Department shall prepare and certify to the Comptroller the  
10 disbursement of stated sums of money to named counties, the  
11 counties to be those from which suppliers and servicemen have  
12 paid taxes or penalties hereunder to the Department during the  
13 second preceding calendar month. The amount to be paid to each  
14 county shall be the amount (not including credit memoranda)  
15 collected hereunder during the second preceding calendar month  
16 by the Department, and not including an amount equal to the  
17 amount of refunds made during the second preceding calendar  
18 month by the Department on behalf of such county, and not  
19 including any amounts that are transferred to the STAR Bonds  
20 Revenue Fund, less 2% of the remainder, which the Department  
21 shall transfer into the Tax Compliance and Administration Fund.  
22 The Department, at the time of each monthly disbursement to the  
23 counties, shall prepare and certify to the State Comptroller  
24 the amount to be transferred into the Tax Compliance and  
25 Administration Fund under this Section. Within 10 days after  
26 receipt, by the Comptroller, of the disbursement certification

1 to the counties and the Tax Compliance and Administration Fund  
2 provided for in this Section to be given to the Comptroller by  
3 the Department, the Comptroller shall cause the orders to be  
4 drawn for the respective amounts in accordance with the  
5 directions contained in such certification.

6 In addition to the disbursement required by the preceding  
7 paragraph, an allocation shall be made in each year to each  
8 county which received more than \$500,000 in disbursements under  
9 the preceding paragraph in the preceding calendar year. The  
10 allocation shall be in an amount equal to the average monthly  
11 distribution made to each such county under the preceding  
12 paragraph during the preceding calendar year (excluding the 2  
13 months of highest receipts). The distribution made in March of  
14 each year subsequent to the year in which an allocation was  
15 made pursuant to this paragraph and the preceding paragraph  
16 shall be reduced by the amount allocated and disbursed under  
17 this paragraph in the preceding calendar year. The Department  
18 shall prepare and certify to the Comptroller for disbursement  
19 the allocations made in accordance with this paragraph.

20 Nothing in this Section shall be construed to authorize a  
21 county to impose a tax upon the privilege of engaging in any  
22 business which under the Constitution of the United States may  
23 not be made the subject of taxation by this State.

24 An ordinance or resolution imposing or discontinuing a tax  
25 hereunder or effecting a change in the rate thereof shall be  
26 adopted and a certified copy thereof filed with the Department

1 on or before the first day of June, whereupon the Department  
2 shall proceed to administer and enforce this Section as of the  
3 first day of September next following such adoption and filing.  
4 Beginning January 1, 1992, an ordinance or resolution imposing  
5 or discontinuing the tax hereunder or effecting a change in the  
6 rate thereof shall be adopted and a certified copy thereof  
7 filed with the Department on or before the first day of July,  
8 whereupon the Department shall proceed to administer and  
9 enforce this Section as of the first day of October next  
10 following such adoption and filing. Beginning January 1, 1993,  
11 an ordinance or resolution imposing or discontinuing the tax  
12 hereunder or effecting a change in the rate thereof shall be  
13 adopted and a certified copy thereof filed with the Department  
14 on or before the first day of October, whereupon the Department  
15 shall proceed to administer and enforce this Section as of the  
16 first day of January next following such adoption and filing.  
17 Beginning April 1, 1998, an ordinance or resolution imposing or  
18 discontinuing the tax hereunder or effecting a change in the  
19 rate thereof shall either (i) be adopted and a certified copy  
20 thereof filed with the Department on or before the first day of  
21 April, whereupon the Department shall proceed to administer and  
22 enforce this Section as of the first day of July next following  
23 the adoption and filing; or (ii) be adopted and a certified  
24 copy thereof filed with the Department on or before the first  
25 day of October, whereupon the Department shall proceed to  
26 administer and enforce this Section as of the first day of

1 January next following the adoption and filing.

2 This Section shall be known and may be cited as the Home  
3 Rule County Service Occupation Tax Law.

4 (Source: P.A. 96-939, eff. 6-24-10.)

5 Section 20. The Illinois Municipal Code is amended by  
6 changing Sections 8-11-1, 8-11-1.3, 8-11-1.4, 8-11-1.6,  
7 8-11-1.7, and 8-11-5 as follows:

8 (65 ILCS 5/8-11-1) (from Ch. 24, par. 8-11-1)

9 Sec. 8-11-1. Home Rule Municipal Retailers' Occupation Tax  
10 Act. The corporate authorities of a home rule municipality may  
11 impose a tax upon all persons engaged in the business of  
12 selling tangible personal property, other than an item of  
13 tangible personal property titled or registered with an agency  
14 of this State's government, at retail in the municipality on  
15 the gross receipts from these sales made in the course of such  
16 business. If imposed, the tax shall only be imposed in 1/4%  
17 increments. On and after September 1, 1991, this additional tax  
18 may not be imposed on the sales of food for human consumption  
19 that is to be consumed off the premises where it is sold (other  
20 than alcoholic beverages, soft drinks and food that has been  
21 prepared for immediate consumption) and prescription and  
22 nonprescription medicines, drugs, medical appliances and  
23 insulin, urine testing materials, syringes and needles used by  
24 diabetics. The tax imposed by a home rule municipality under

1 this Section and all civil penalties that may be assessed as an  
2 incident of the tax shall be collected and enforced by the  
3 State Department of Revenue. The certificate of registration  
4 that is issued by the Department to a retailer under the  
5 Retailers' Occupation Tax Act shall permit the retailer to  
6 engage in a business that is taxable under any ordinance or  
7 resolution enacted pursuant to this Section without  
8 registering separately with the Department under such  
9 ordinance or resolution or under this Section. The Department  
10 shall have full power to administer and enforce this Section;  
11 to collect all taxes and penalties due hereunder; to dispose of  
12 taxes and penalties so collected in the manner hereinafter  
13 provided; and to determine all rights to credit memoranda  
14 arising on account of the erroneous payment of tax or penalty  
15 hereunder. In the administration of, and compliance with, this  
16 Section the Department and persons who are subject to this  
17 Section shall have the same rights, remedies, privileges,  
18 immunities, powers and duties, and be subject to the same  
19 conditions, restrictions, limitations, penalties and  
20 definitions of terms, and employ the same modes of procedure,  
21 as are prescribed in Sections 1, 1a, 1d, 1e, 1f, 1i, 1j, 1k,  
22 1m, 1n, 2 through 2-65 (in respect to all provisions therein  
23 other than the State rate of tax), 2c, 3 (except as to the  
24 disposition of taxes and penalties collected), 4, 5, 5a, 5b,  
25 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8,  
26 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and

1 Section 3-7 of the Uniform Penalty and Interest Act, as fully  
2 as if those provisions were set forth herein.

3 No tax may be imposed by a home rule municipality under  
4 this Section unless the municipality also imposes a tax at the  
5 same rate under Section 8-11-5 of this Act.

6 Persons subject to any tax imposed under the authority  
7 granted in this Section may reimburse themselves for their  
8 seller's tax liability hereunder by separately stating that tax  
9 as an additional charge, which charge may be stated in  
10 combination, in a single amount, with State tax which sellers  
11 are required to collect under the Use Tax Act, pursuant to such  
12 bracket schedules as the Department may prescribe.

13 Whenever the Department determines that a refund should be  
14 made under this Section to a claimant instead of issuing a  
15 credit memorandum, the Department shall notify the State  
16 Comptroller, who shall cause the order to be drawn for the  
17 amount specified and to the person named in the notification  
18 from the Department. The refund shall be paid by the State  
19 Treasurer out of the home rule municipal retailers' occupation  
20 tax fund.

21 The Department shall immediately pay over to the State  
22 Treasurer, ex officio, as trustee, all taxes and penalties  
23 collected hereunder.

24 As soon as possible after the first day of each month,  
25 beginning January 1, 2011, upon certification of the Department  
26 of Revenue, the Comptroller shall order transferred, and the

1 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
2 local sales tax increment, as defined in the Innovation  
3 Development and Economy Act, collected under this Section  
4 during the second preceding calendar month for sales within a  
5 STAR bond district.

6 After the monthly transfer to the STAR Bonds Revenue Fund,  
7 on or before the 25th day of each calendar month, the  
8 Department shall prepare and certify to the Comptroller the  
9 disbursement of stated sums of money to named municipalities,  
10 the municipalities to be those from which retailers have paid  
11 taxes or penalties hereunder to the Department during the  
12 second preceding calendar month. The amount to be paid to each  
13 municipality shall be the amount (not including credit  
14 memoranda) collected hereunder during the second preceding  
15 calendar month by the Department plus an amount the Department  
16 determines is necessary to offset any amounts that were  
17 erroneously paid to a different taxing body, and not including  
18 an amount equal to the amount of refunds made during the second  
19 preceding calendar month by the Department on behalf of such  
20 municipality, and not including any amount that the Department  
21 determines is necessary to offset any amounts that were payable  
22 to a different taxing body but were erroneously paid to the  
23 municipality, and not including any amounts that are  
24 transferred to the STAR Bonds Revenue Fund, less 2% of the  
25 remainder, which the Department shall transfer into the Tax  
26 Compliance and Administration Fund. The Department, at the time

1 of each monthly disbursement to the municipalities, shall  
2 prepare and certify to the State Comptroller the amount to be  
3 transferred into the Tax Compliance and Administration Fund  
4 under this Section. Within 10 days after receipt by the  
5 Comptroller of the disbursement certification to the  
6 municipalities and the Tax Compliance and Administration Fund  
7 provided for in this Section to be given to the Comptroller by  
8 the Department, the Comptroller shall cause the orders to be  
9 drawn for the respective amounts in accordance with the  
10 directions contained in the certification.

11 In addition to the disbursement required by the preceding  
12 paragraph and in order to mitigate delays caused by  
13 distribution procedures, an allocation shall, if requested, be  
14 made within 10 days after January 14, 1991, and in November of  
15 1991 and each year thereafter, to each municipality that  
16 received more than \$500,000 during the preceding fiscal year,  
17 (July 1 through June 30) whether collected by the municipality  
18 or disbursed by the Department as required by this Section.  
19 Within 10 days after January 14, 1991, participating  
20 municipalities shall notify the Department in writing of their  
21 intent to participate. In addition, for the initial  
22 distribution, participating municipalities shall certify to  
23 the Department the amounts collected by the municipality for  
24 each month under its home rule occupation and service  
25 occupation tax during the period July 1, 1989 through June 30,  
26 1990. The allocation within 10 days after January 14, 1991,

1 shall be in an amount equal to the monthly average of these  
2 amounts, excluding the 2 months of highest receipts. The  
3 monthly average for the period of July 1, 1990 through June 30,  
4 1991 will be determined as follows: the amounts collected by  
5 the municipality under its home rule occupation and service  
6 occupation tax during the period of July 1, 1990 through  
7 September 30, 1990, plus amounts collected by the Department  
8 and paid to such municipality through June 30, 1991, excluding  
9 the 2 months of highest receipts. The monthly average for each  
10 subsequent period of July 1 through June 30 shall be an amount  
11 equal to the monthly distribution made to each such  
12 municipality under the preceding paragraph during this period,  
13 excluding the 2 months of highest receipts. The distribution  
14 made in November 1991 and each year thereafter under this  
15 paragraph and the preceding paragraph shall be reduced by the  
16 amount allocated and disbursed under this paragraph in the  
17 preceding period of July 1 through June 30. The Department  
18 shall prepare and certify to the Comptroller for disbursement  
19 the allocations made in accordance with this paragraph.

20 For the purpose of determining the local governmental unit  
21 whose tax is applicable, a retail sale by a producer of coal or  
22 other mineral mined in Illinois is a sale at retail at the  
23 place where the coal or other mineral mined in Illinois is  
24 extracted from the earth. This paragraph does not apply to coal  
25 or other mineral when it is delivered or shipped by the seller  
26 to the purchaser at a point outside Illinois so that the sale

1 is exempt under the United States Constitution as a sale in  
2 interstate or foreign commerce.

3 Nothing in this Section shall be construed to authorize a  
4 municipality to impose a tax upon the privilege of engaging in  
5 any business which under the Constitution of the United States  
6 may not be made the subject of taxation by this State.

7 An ordinance or resolution imposing or discontinuing a tax  
8 hereunder or effecting a change in the rate thereof shall be  
9 adopted and a certified copy thereof filed with the Department  
10 on or before the first day of June, whereupon the Department  
11 shall proceed to administer and enforce this Section as of the  
12 first day of September next following the adoption and filing.  
13 Beginning January 1, 1992, an ordinance or resolution imposing  
14 or discontinuing the tax hereunder or effecting a change in the  
15 rate thereof shall be adopted and a certified copy thereof  
16 filed with the Department on or before the first day of July,  
17 whereupon the Department shall proceed to administer and  
18 enforce this Section as of the first day of October next  
19 following such adoption and filing. Beginning January 1, 1993,  
20 an ordinance or resolution imposing or discontinuing the tax  
21 hereunder or effecting a change in the rate thereof shall be  
22 adopted and a certified copy thereof filed with the Department  
23 on or before the first day of October, whereupon the Department  
24 shall proceed to administer and enforce this Section as of the  
25 first day of January next following the adoption and filing.  
26 However, a municipality located in a county with a population

1 in excess of 3,000,000 that elected to become a home rule unit  
2 at the general primary election in 1994 may adopt an ordinance  
3 or resolution imposing the tax under this Section and file a  
4 certified copy of the ordinance or resolution with the  
5 Department on or before July 1, 1994. The Department shall then  
6 proceed to administer and enforce this Section as of October 1,  
7 1994. Beginning April 1, 1998, an ordinance or resolution  
8 imposing or discontinuing the tax hereunder or effecting a  
9 change in the rate thereof shall either (i) be adopted and a  
10 certified copy thereof filed with the Department on or before  
11 the first day of April, whereupon the Department shall proceed  
12 to administer and enforce this Section as of the first day of  
13 July next following the adoption and filing; or (ii) be adopted  
14 and a certified copy thereof filed with the Department on or  
15 before the first day of October, whereupon the Department shall  
16 proceed to administer and enforce this Section as of the first  
17 day of January next following the adoption and filing.

18 When certifying the amount of a monthly disbursement to a  
19 municipality under this Section, the Department shall increase  
20 or decrease the amount by an amount necessary to offset any  
21 misallocation of previous disbursements. The offset amount  
22 shall be the amount erroneously disbursed within the previous 6  
23 months from the time a misallocation is discovered.

24 Any unobligated balance remaining in the Municipal  
25 Retailers' Occupation Tax Fund on December 31, 1989, which fund  
26 was abolished by Public Act 85-1135, and all receipts of

1 municipal tax as a result of audits of liability periods prior  
2 to January 1, 1990, shall be paid into the Local Government Tax  
3 Fund for distribution as provided by this Section prior to the  
4 enactment of Public Act 85-1135. All receipts of municipal tax  
5 as a result of an assessment not arising from an audit, for  
6 liability periods prior to January 1, 1990, shall be paid into  
7 the Local Government Tax Fund for distribution before July 1,  
8 1990, as provided by this Section prior to the enactment of  
9 Public Act 85-1135; and on and after July 1, 1990, all such  
10 receipts shall be distributed as provided in Section 6z-18 of  
11 the State Finance Act.

12 As used in this Section, "municipal" and "municipality"  
13 means a city, village or incorporated town, including an  
14 incorporated town that has superseded a civil township.

15 This Section shall be known and may be cited as the Home  
16 Rule Municipal Retailers' Occupation Tax Act.

17 (Source: P.A. 99-217, eff. 7-31-15.)

18 (65 ILCS 5/8-11-1.3) (from Ch. 24, par. 8-11-1.3)

19 Sec. 8-11-1.3. Non-Home Rule Municipal Retailers'  
20 Occupation Tax Act. The corporate authorities of a non-home  
21 rule municipality may impose a tax upon all persons engaged in  
22 the business of selling tangible personal property, other than  
23 on an item of tangible personal property which is titled and  
24 registered by an agency of this State's Government, at retail  
25 in the municipality for expenditure on public infrastructure or

1 for property tax relief or both as defined in Section 8-11-1.2  
2 if approved by referendum as provided in Section 8-11-1.1, of  
3 the gross receipts from such sales made in the course of such  
4 business. If the tax is approved by referendum on or after July  
5 14, 2010 (the effective date of Public Act 96-1057), the  
6 corporate authorities of a non-home rule municipality may,  
7 until December 31, 2020, use the proceeds of the tax for  
8 expenditure on municipal operations, in addition to or in lieu  
9 of any expenditure on public infrastructure or for property tax  
10 relief. The tax imposed may not be more than 1% and may be  
11 imposed only in 1/4% increments. The tax may not be imposed on  
12 the sale of food for human consumption that is to be consumed  
13 off the premises where it is sold (other than alcoholic  
14 beverages, soft drinks, and food that has been prepared for  
15 immediate consumption) and prescription and nonprescription  
16 medicines, drugs, medical appliances, and insulin, urine  
17 testing materials, syringes, and needles used by diabetics. The  
18 tax imposed by a municipality pursuant to this Section and all  
19 civil penalties that may be assessed as an incident thereof  
20 shall be collected and enforced by the State Department of  
21 Revenue. The certificate of registration which is issued by the  
22 Department to a retailer under the Retailers' Occupation Tax  
23 Act shall permit such retailer to engage in a business which is  
24 taxable under any ordinance or resolution enacted pursuant to  
25 this Section without registering separately with the  
26 Department under such ordinance or resolution or under this

1 Section. The Department shall have full power to administer and  
2 enforce this Section; to collect all taxes and penalties due  
3 hereunder; to dispose of taxes and penalties so collected in  
4 the manner hereinafter provided, and to determine all rights to  
5 credit memoranda, arising on account of the erroneous payment  
6 of tax or penalty hereunder. In the administration of, and  
7 compliance with, this Section, the Department and persons who  
8 are subject to this Section shall have the same rights,  
9 remedies, privileges, immunities, powers and duties, and be  
10 subject to the same conditions, restrictions, limitations,  
11 penalties and definitions of terms, and employ the same modes  
12 of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1d,  
13 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions  
14 therein other than the State rate of tax), 2c, 3 (except as to  
15 the disposition of taxes and penalties collected), 4, 5, 5a,  
16 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,  
17 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act  
18 and Section 3-7 of the Uniform Penalty and Interest Act as  
19 fully as if those provisions were set forth herein.

20 No municipality may impose a tax under this Section unless  
21 the municipality also imposes a tax at the same rate under  
22 Section 8-11-1.4 of this Code.

23 Persons subject to any tax imposed pursuant to the  
24 authority granted in this Section may reimburse themselves for  
25 their seller's tax liability hereunder by separately stating  
26 such tax as an additional charge, which charge may be stated in

1 combination, in a single amount, with State tax which sellers  
2 are required to collect under the Use Tax Act, pursuant to such  
3 bracket schedules as the Department may prescribe.

4 Whenever the Department determines that a refund should be  
5 made under this Section to a claimant instead of issuing a  
6 credit memorandum, the Department shall notify the State  
7 Comptroller, who shall cause the order to be drawn for the  
8 amount specified, and to the person named, in such notification  
9 from the Department. Such refund shall be paid by the State  
10 Treasurer out of the non-home rule municipal retailers'  
11 occupation tax fund.

12 The Department shall forthwith pay over to the State  
13 Treasurer, ex officio, as trustee, all taxes and penalties  
14 collected hereunder.

15 As soon as possible after the first day of each month,  
16 beginning January 1, 2011, upon certification of the Department  
17 of Revenue, the Comptroller shall order transferred, and the  
18 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
19 local sales tax increment, as defined in the Innovation  
20 Development and Economy Act, collected under this Section  
21 during the second preceding calendar month for sales within a  
22 STAR bond district.

23 After the monthly transfer to the STAR Bonds Revenue Fund,  
24 on or before the 25th day of each calendar month, the  
25 Department shall prepare and certify to the Comptroller the  
26 disbursement of stated sums of money to named municipalities,

1 the municipalities to be those from which retailers have paid  
2 taxes or penalties hereunder to the Department during the  
3 second preceding calendar month. The amount to be paid to each  
4 municipality shall be the amount (not including credit  
5 memoranda) collected hereunder during the second preceding  
6 calendar month by the Department plus an amount the Department  
7 determines is necessary to offset any amounts which were  
8 erroneously paid to a different taxing body, and not including  
9 an amount equal to the amount of refunds made during the second  
10 preceding calendar month by the Department on behalf of such  
11 municipality, and not including any amount which the Department  
12 determines is necessary to offset any amounts which were  
13 payable to a different taxing body but were erroneously paid to  
14 the municipality, and not including any amounts that are  
15 transferred to the STAR Bonds Revenue Fund, less 2% of the  
16 remainder, which the Department shall transfer into the Tax  
17 Compliance and Administration Fund. The Department, at the time  
18 of each monthly disbursement to the municipalities, shall  
19 prepare and certify to the State Comptroller the amount to be  
20 transferred into the Tax Compliance and Administration Fund  
21 under this Section. Within 10 days after receipt, by the  
22 Comptroller, of the disbursement certification to the  
23 municipalities and the Tax Compliance and Administration Fund,  
24 provided for in this Section to be given to the Comptroller by  
25 the Department, the Comptroller shall cause the orders to be  
26 drawn for the respective amounts in accordance with the

1 directions contained in such certification.

2 For the purpose of determining the local governmental unit  
3 whose tax is applicable, a retail sale, by a producer of coal  
4 or other mineral mined in Illinois, is a sale at retail at the  
5 place where the coal or other mineral mined in Illinois is  
6 extracted from the earth. This paragraph does not apply to coal  
7 or other mineral when it is delivered or shipped by the seller  
8 to the purchaser at a point outside Illinois so that the sale  
9 is exempt under the Federal Constitution as a sale in  
10 interstate or foreign commerce.

11 Nothing in this Section shall be construed to authorize a  
12 municipality to impose a tax upon the privilege of engaging in  
13 any business which under the constitution of the United States  
14 may not be made the subject of taxation by this State.

15 When certifying the amount of a monthly disbursement to a  
16 municipality under this Section, the Department shall increase  
17 or decrease such amount by an amount necessary to offset any  
18 misallocation of previous disbursements. The offset amount  
19 shall be the amount erroneously disbursed within the previous 6  
20 months from the time a misallocation is discovered.

21 The Department of Revenue shall implement this amendatory  
22 Act of the 91st General Assembly so as to collect the tax on  
23 and after January 1, 2002.

24 As used in this Section, "municipal" and "municipality"  
25 means a city, village or incorporated town, including an  
26 incorporated town which has superseded a civil township.

1           This Section shall be known and may be cited as the  
2 "Non-Home Rule Municipal Retailers' Occupation Tax Act".

3 (Source: P.A. 99-217, eff. 7-31-15.)

4           (65 ILCS 5/8-11-1.4) (from Ch. 24, par. 8-11-1.4)

5           Sec. 8-11-1.4. Non-Home Rule Municipal Service Occupation  
6 Tax Act. The corporate authorities of a non-home rule  
7 municipality may impose a tax upon all persons engaged, in such  
8 municipality, in the business of making sales of service for  
9 expenditure on public infrastructure or for property tax relief  
10 or both as defined in Section 8-11-1.2 if approved by  
11 referendum as provided in Section 8-11-1.1, of the selling  
12 price of all tangible personal property transferred by such  
13 servicemen either in the form of tangible personal property or  
14 in the form of real estate as an incident to a sale of service.  
15 If the tax is approved by referendum on or after July 14, 2010  
16 (the effective date of Public Act 96-1057), the corporate  
17 authorities of a non-home rule municipality may, until December  
18 31, 2020, use the proceeds of the tax for expenditure on  
19 municipal operations, in addition to or in lieu of any  
20 expenditure on public infrastructure or for property tax  
21 relief. The tax imposed may not be more than 1% and may be  
22 imposed only in 1/4% increments. The tax may not be imposed on  
23 the sale of food for human consumption that is to be consumed  
24 off the premises where it is sold (other than alcoholic  
25 beverages, soft drinks, and food that has been prepared for

1 immediate consumption) and prescription and nonprescription  
2 medicines, drugs, medical appliances, and insulin, urine  
3 testing materials, syringes, and needles used by diabetics. The  
4 tax imposed by a municipality pursuant to this Section and all  
5 civil penalties that may be assessed as an incident thereof  
6 shall be collected and enforced by the State Department of  
7 Revenue. The certificate of registration which is issued by the  
8 Department to a retailer under the Retailers' Occupation Tax  
9 Act or under the Service Occupation Tax Act shall permit such  
10 registrant to engage in a business which is taxable under any  
11 ordinance or resolution enacted pursuant to this Section  
12 without registering separately with the Department under such  
13 ordinance or resolution or under this Section. The Department  
14 shall have full power to administer and enforce this Section;  
15 to collect all taxes and penalties due hereunder; to dispose of  
16 taxes and penalties so collected in the manner hereinafter  
17 provided, and to determine all rights to credit memoranda  
18 arising on account of the erroneous payment of tax or penalty  
19 hereunder. In the administration of, and compliance with, this  
20 Section the Department and persons who are subject to this  
21 Section shall have the same rights, remedies, privileges,  
22 immunities, powers and duties, and be subject to the same  
23 conditions, restrictions, limitations, penalties and  
24 definitions of terms, and employ the same modes of procedure,  
25 as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in  
26 respect to all provisions therein other than the State rate of

1 tax), 4 (except that the reference to the State shall be to the  
2 taxing municipality), 5, 7, 8 (except that the jurisdiction to  
3 which the tax shall be a debt to the extent indicated in that  
4 Section 8 shall be the taxing municipality), 9 (except as to  
5 the disposition of taxes and penalties collected, and except  
6 that the returned merchandise credit for this municipal tax may  
7 not be taken against any State tax), 10, 11, 12 (except the  
8 reference therein to Section 2b of the Retailers' Occupation  
9 Tax Act), 13 (except that any reference to the State shall mean  
10 the taxing municipality), the first paragraph of Section 15,  
11 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and  
12 Section 3-7 of the Uniform Penalty and Interest Act, as fully  
13 as if those provisions were set forth herein.

14 No municipality may impose a tax under this Section unless  
15 the municipality also imposes a tax at the same rate under  
16 Section 8-11-1.3 of this Code.

17 Persons subject to any tax imposed pursuant to the  
18 authority granted in this Section may reimburse themselves for  
19 their serviceman's tax liability hereunder by separately  
20 stating such tax as an additional charge, which charge may be  
21 stated in combination, in a single amount, with State tax which  
22 servicemen are authorized to collect under the Service Use Tax  
23 Act, pursuant to such bracket schedules as the Department may  
24 prescribe.

25 Whenever the Department determines that a refund should be  
26 made under this Section to a claimant instead of issuing credit

1 memorandum, the Department shall notify the State Comptroller,  
2 who shall cause the order to be drawn for the amount specified,  
3 and to the person named, in such notification from the  
4 Department. Such refund shall be paid by the State Treasurer  
5 out of the municipal retailers' occupation tax fund.

6 The Department shall forthwith pay over to the State  
7 Treasurer, ex officio, as trustee, all taxes and penalties  
8 collected hereunder.

9 As soon as possible after the first day of each month,  
10 beginning January 1, 2011, upon certification of the Department  
11 of Revenue, the Comptroller shall order transferred, and the  
12 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
13 local sales tax increment, as defined in the Innovation  
14 Development and Economy Act, collected under this Section  
15 during the second preceding calendar month for sales within a  
16 STAR bond district.

17 After the monthly transfer to the STAR Bonds Revenue Fund,  
18 on or before the 25th day of each calendar month, the  
19 Department shall prepare and certify to the Comptroller the  
20 disbursement of stated sums of money to named municipalities,  
21 the municipalities to be those from which suppliers and  
22 servicemen have paid taxes or penalties hereunder to the  
23 Department during the second preceding calendar month. The  
24 amount to be paid to each municipality shall be the amount (not  
25 including credit memoranda) collected hereunder during the  
26 second preceding calendar month by the Department, and not

1 including an amount equal to the amount of refunds made during  
2 the second preceding calendar month by the Department on behalf  
3 of such municipality, and not including any amounts that are  
4 transferred to the STAR Bonds Revenue Fund, less 2% of the  
5 remainder, which the Department shall transfer into the Tax  
6 Compliance and Administration Fund. The Department, at the time  
7 of each monthly disbursement to the municipalities, shall  
8 prepare and certify to the State Comptroller the amount to be  
9 transferred into the Tax Compliance and Administration Fund  
10 under this Section. Within 10 days after receipt, by the  
11 Comptroller, of the disbursement certification to the  
12 municipalities, ~~and~~ the General Revenue Fund, and the Tax  
13 Compliance and Administration Fund provided for in this Section  
14 to be given to the Comptroller by the Department, the  
15 Comptroller shall cause the orders to be drawn for the  
16 respective amounts in accordance with the directions contained  
17 in such certification.

18 The Department of Revenue shall implement this amendatory  
19 Act of the 91st General Assembly so as to collect the tax on  
20 and after January 1, 2002.

21 Nothing in this Section shall be construed to authorize a  
22 municipality to impose a tax upon the privilege of engaging in  
23 any business which under the constitution of the United States  
24 may not be made the subject of taxation by this State.

25 As used in this Section, "municipal" or "municipality"  
26 means or refers to a city, village or incorporated town,

1 including an incorporated town which has superseded a civil  
2 township.

3 This Section shall be known and may be cited as the  
4 "Non-Home Rule Municipal Service Occupation Tax Act".

5 (Source: P.A. 96-939, eff. 6-24-10; 96-1057, eff. 7-14-10;  
6 97-333, eff. 8-12-11; 97-837, eff. 7-20-12.)

7 (65 ILCS 5/8-11-1.6)

8 Sec. 8-11-1.6. Non-home rule municipal retailers  
9 occupation tax; municipalities between 20,000 and 25,000. The  
10 corporate authorities of a non-home rule municipality with a  
11 population of more than 20,000 but less than 25,000 that has,  
12 prior to January 1, 1987, established a Redevelopment Project  
13 Area that has been certified as a State Sales Tax Boundary and  
14 has issued bonds or otherwise incurred indebtedness to pay for  
15 costs in excess of \$5,000,000, which is secured in part by a  
16 tax increment allocation fund, in accordance with the  
17 provisions of Division 11-74.4 of this Code may, by passage of  
18 an ordinance, impose a tax upon all persons engaged in the  
19 business of selling tangible personal property, other than on  
20 an item of tangible personal property that is titled and  
21 registered by an agency of this State's Government, at retail  
22 in the municipality. This tax may not be imposed on the sales  
23 of food for human consumption that is to be consumed off the  
24 premises where it is sold (other than alcoholic beverages, soft  
25 drinks, and food that has been prepared for immediate

1 consumption) and prescription and nonprescription medicines,  
2 drugs, medical appliances and insulin, urine testing  
3 materials, syringes, and needles used by diabetics. If imposed,  
4 the tax shall only be imposed in .25% increments of the gross  
5 receipts from such sales made in the course of business. Any  
6 tax imposed by a municipality under this Section ~~Sec.~~ and all  
7 civil penalties that may be assessed as an incident thereof  
8 shall be collected and enforced by the State Department of  
9 Revenue. An ordinance imposing a tax hereunder or effecting a  
10 change in the rate thereof shall be adopted and a certified  
11 copy thereof filed with the Department on or before the first  
12 day of October, whereupon the Department shall proceed to  
13 administer and enforce this Section as of the first day of  
14 January next following such adoption and filing. The  
15 certificate of registration that is issued by the Department to  
16 a retailer under the Retailers' Occupation Tax Act shall permit  
17 the retailer to engage in a business that is taxable under any  
18 ordinance or resolution enacted under this Section without  
19 registering separately with the Department under the ordinance  
20 or resolution or under this Section. The Department shall have  
21 full power to administer and enforce this Section, to collect  
22 all taxes and penalties due hereunder, to dispose of taxes and  
23 penalties so collected in the manner hereinafter provided, and  
24 to determine all rights to credit memoranda, arising on account  
25 of the erroneous payment of tax or penalty hereunder. In the  
26 administration of, and compliance with this Section, the

1 Department and persons who are subject to this Section shall  
2 have the same rights, remedies, privileges, immunities,  
3 powers, and duties, and be subject to the same conditions,  
4 restrictions, limitations, penalties, and definitions of  
5 terms, and employ the same modes of procedure, as are  
6 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 2  
7 through 2-65 (in respect to all provisions therein other than  
8 the State rate of tax), 2c, 3 (except as to the disposition of  
9 taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,  
10 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12  
11 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of  
12 the Uniform Penalty and Interest Act as fully as if those  
13 provisions were set forth herein.

14 A tax may not be imposed by a municipality under this  
15 Section unless the municipality also imposes a tax at the same  
16 rate under Section 8-11-1.7 of this Act.

17 Persons subject to any tax imposed under the authority  
18 granted in this Section, may reimburse themselves for their  
19 seller's tax liability hereunder by separately stating the tax  
20 as an additional charge, which charge may be stated in  
21 combination, in a single amount, with State tax which sellers  
22 are required to collect under the Use Tax Act, pursuant to such  
23 bracket schedules as the Department may prescribe.

24 Whenever the Department determines that a refund should be  
25 made under this Section to a claimant, instead of issuing a  
26 credit memorandum, the Department shall notify the State

1 Comptroller, who shall cause the order to be drawn for the  
2 amount specified, and to the person named in the notification  
3 from the Department. The refund shall be paid by the State  
4 Treasurer out of the Non-Home Rule Municipal Retailers'  
5 Occupation Tax Fund, which is hereby created.

6 The Department shall forthwith pay over to the State  
7 Treasurer, ex officio, as trustee, all taxes and penalties  
8 collected hereunder.

9 As soon as possible after the first day of each month,  
10 beginning January 1, 2011, upon certification of the Department  
11 of Revenue, the Comptroller shall order transferred, and the  
12 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
13 local sales tax increment, as defined in the Innovation  
14 Development and Economy Act, collected under this Section  
15 during the second preceding calendar month for sales within a  
16 STAR bond district.

17 After the monthly transfer to the STAR Bonds Revenue Fund,  
18 on or before the 25th day of each calendar month, the  
19 Department shall prepare and certify to the Comptroller the  
20 disbursement of stated sums of money to named municipalities,  
21 the municipalities to be those from which retailers have paid  
22 taxes or penalties hereunder to the Department during the  
23 second preceding calendar month. The amount to be paid to each  
24 municipality shall be the amount (not including credit  
25 memoranda) collected hereunder during the second preceding  
26 calendar month by the Department plus an amount the Department

1 determines is necessary to offset any amounts that were  
2 erroneously paid to a different taxing body, and not including  
3 an amount equal to the amount of refunds made during the second  
4 preceding calendar month by the Department on behalf of the  
5 municipality, and not including any amount that the Department  
6 determines is necessary to offset any amounts that were payable  
7 to a different taxing body but were erroneously paid to the  
8 municipality, and not including any amounts that are  
9 transferred to the STAR Bonds Revenue Fund, less 2% of the  
10 remainder, which the Department shall transfer into the Tax  
11 Compliance and Administration Fund. The Department, at the time  
12 of each monthly disbursement to the municipalities, shall  
13 prepare and certify to the State Comptroller the amount to be  
14 transferred into the Tax Compliance and Administration Fund  
15 under this Section. Within 10 days after receipt by the  
16 Comptroller of the disbursement certification to the  
17 municipalities and the Tax Compliance and Administration Fund  
18 provided for in this Section to be given to the Comptroller by  
19 the Department, the Comptroller shall cause the orders to be  
20 drawn for the respective amounts in accordance with the  
21 directions contained in the certification.

22 For the purpose of determining the local governmental unit  
23 whose tax is applicable, a retail sale by a producer of coal or  
24 other mineral mined in Illinois is a sale at retail at the  
25 place where the coal or other mineral mined in Illinois is  
26 extracted from the earth. This paragraph does not apply to coal

1 or other mineral when it is delivered or shipped by the seller  
2 to the purchaser at a point outside Illinois so that the sale  
3 is exempt under the federal Constitution as a sale in  
4 interstate or foreign commerce.

5 Nothing in this Section shall be construed to authorize a  
6 municipality to impose a tax upon the privilege of engaging in  
7 any business which under the constitution of the United States  
8 may not be made the subject of taxation by this State.

9 When certifying the amount of a monthly disbursement to a  
10 municipality under this Section, the Department shall increase  
11 or decrease the amount by an amount necessary to offset any  
12 misallocation of previous disbursements. The offset amount  
13 shall be the amount erroneously disbursed within the previous 6  
14 months from the time a misallocation is discovered.

15 As used in this Section, "municipal" and "municipality"  
16 means a city, village, or incorporated town, including an  
17 incorporated town that has superseded a civil township.

18 (Source: P.A. 99-217, eff. 7-31-15; revised 11-9-15.)

19 (65 ILCS 5/8-11-1.7)

20 Sec. 8-11-1.7. Non-home rule municipal service occupation  
21 tax; municipalities between 20,000 and 25,000. The corporate  
22 authorities of a non-home rule municipality with a population  
23 of more than 20,000 but less than 25,000 as determined by the  
24 last preceding decennial census that has, prior to January 1,  
25 1987, established a Redevelopment Project Area that has been

1 certified as a State Sales Tax Boundary and has issued bonds or  
2 otherwise incurred indebtedness to pay for costs in excess of  
3 \$5,000,000, which is secured in part by a tax increment  
4 allocation fund, in accordance with the provisions of Division  
5 11-74.4 of this Code may, by passage of an ordinance, impose a  
6 tax upon all persons engaged in the municipality in the  
7 business of making sales of service. If imposed, the tax shall  
8 only be imposed in .25% increments of the selling price of all  
9 tangible personal property transferred by such servicemen  
10 either in the form of tangible personal property or in the form  
11 of real estate as an incident to a sale of service. This tax  
12 may not be imposed on the sales of food for human consumption  
13 that is to be consumed off the premises where it is sold (other  
14 than alcoholic beverages, soft drinks, and food that has been  
15 prepared for immediate consumption) and prescription and  
16 nonprescription medicines, drugs, medical appliances and  
17 insulin, urine testing materials, syringes, and needles used by  
18 diabetics. The tax imposed by a municipality under this Sec.  
19 and all civil penalties that may be assessed as an incident  
20 thereof shall be collected and enforced by the State Department  
21 of Revenue. An ordinance imposing a tax hereunder or effecting  
22 a change in the rate thereof shall be adopted and a certified  
23 copy thereof filed with the Department on or before the first  
24 day of October, whereupon the Department shall proceed to  
25 administer and enforce this Section as of the first day of  
26 January next following such adoption and filing. The

1 certificate of registration that is issued by the Department to  
2 a retailer under the Retailers' Occupation Tax Act or under the  
3 Service Occupation Tax Act shall permit the registrant to  
4 engage in a business that is taxable under any ordinance or  
5 resolution enacted under this Section without registering  
6 separately with the Department under the ordinance or  
7 resolution or under this Section. The Department shall have  
8 full power to administer and enforce this Section, to collect  
9 all taxes and penalties due hereunder, to dispose of taxes and  
10 penalties so collected in a manner hereinafter provided, and to  
11 determine all rights to credit memoranda arising on account of  
12 the erroneous payment of tax or penalty hereunder. In the  
13 administration of and compliance with this Section, the  
14 Department and persons who are subject to this Section shall  
15 have the same rights, remedies, privileges, immunities,  
16 powers, and duties, and be subject to the same conditions,  
17 restrictions, limitations, penalties and definitions of terms,  
18 and employ the same modes of procedure, as are prescribed in  
19 Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all  
20 provisions therein other than the State rate of tax), 4 (except  
21 that the reference to the State shall be to the taxing  
22 municipality), 5, 7, 8 (except that the jurisdiction to which  
23 the tax shall be a debt to the extent indicated in that Section  
24 8 shall be the taxing municipality), 9 (except as to the  
25 disposition of taxes and penalties collected, and except that  
26 the returned merchandise credit for this municipal tax may not

1 be taken against any State tax), 10, 11, 12, (except the  
2 reference therein to Section 2b of the Retailers' Occupation  
3 Tax Act), 13 (except that any reference to the State shall mean  
4 the taxing municipality), the first paragraph of Sections 15,  
5 16, 17, 18, 19, and 20 of the Service Occupation Tax Act and  
6 Section 3-7 of the Uniform Penalty and Interest Act, as fully  
7 as if those provisions were set forth herein.

8 A tax may not be imposed by a municipality under this  
9 Section unless the municipality also imposes a tax at the same  
10 rate under Section 8-11-1.6 of this Act.

11 Person subject to any tax imposed under the authority  
12 granted in this Section may reimburse themselves for their  
13 servicemen's tax liability hereunder by separately stating the  
14 tax as an additional charge, which charge may be stated in  
15 combination, in a single amount, with State tax that servicemen  
16 are authorized to collect under the Service Use Tax Act, under  
17 such bracket schedules as the Department may prescribe.

18 Whenever the Department determines that a refund should be  
19 made under this Section to a claimant instead of issuing credit  
20 memorandum, the Department shall notify the State Comptroller,  
21 who shall cause the order to be drawn for the amount specified,  
22 and to the person named, in such notification from the  
23 Department. The refund shall be paid by the State Treasurer out  
24 of the Non-Home Rule Municipal Retailers' Occupation Tax Fund.

25 The Department shall forthwith pay over to the State  
26 Treasurer, ex officio, as trustee, all taxes and penalties

1 collected hereunder.

2 As soon as possible after the first day of each month,  
3 beginning January 1, 2011, upon certification of the Department  
4 of Revenue, the Comptroller shall order transferred, and the  
5 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
6 local sales tax increment, as defined in the Innovation  
7 Development and Economy Act, collected under this Section  
8 during the second preceding calendar month for sales within a  
9 STAR bond district.

10 After the monthly transfer to the STAR Bonds Revenue Fund,  
11 on or before the 25th day of each calendar month, the  
12 Department shall prepare and certify to the Comptroller the  
13 disbursement of stated sums of money to named municipalities,  
14 the municipalities to be those from which suppliers and  
15 servicemen have paid taxes or penalties hereunder to the  
16 Department during the second preceding calendar month. The  
17 amount to be paid to each municipality shall be the amount (not  
18 including credit memoranda) collected hereunder during the  
19 second preceding calendar month by the Department, and not  
20 including an amount equal to the amount of refunds made during  
21 the second preceding calendar month by the Department on behalf  
22 of such municipality, and not including any amounts that are  
23 transferred to the STAR Bonds Revenue Fund, less 2% of the  
24 remainder, which the Department shall transfer into the Tax  
25 Compliance and Administration Fund. The Department, at the time  
26 of each monthly disbursement to the municipalities, shall

1 prepare and certify to the State Comptroller the amount to be  
2 transferred into the Tax Compliance and Administration Fund  
3 under this Section. Within 10 days after receipt by the  
4 Comptroller of the disbursement certification to the  
5 municipalities, the Tax Compliance and Administration Fund,  
6 and the General Revenue Fund, provided for in this Section to  
7 be given to the Comptroller by the Department, the Comptroller  
8 shall cause the orders to be drawn for the respective amounts  
9 in accordance with the directions contained in the  
10 certification.

11 When certifying the amount of a monthly disbursement to a  
12 municipality under this Section, the Department shall increase  
13 or decrease the amount by an amount necessary to offset any  
14 misallocation of previous disbursements. The offset amount  
15 shall be the amount erroneously disbursed within the previous 6  
16 months from the time a misallocation is discovered.

17 Nothing in this Section shall be construed to authorize a  
18 municipality to impose a tax upon the privilege of engaging in  
19 any business which under the constitution of the United States  
20 may not be made the subject of taxation by this State.

21 (Source: P.A. 96-939, eff. 6-24-10; 97-813, eff. 7-13-12.)

22 (65 ILCS 5/8-11-5) (from Ch. 24, par. 8-11-5)

23 Sec. 8-11-5. Home Rule Municipal Service Occupation Tax  
24 Act. The corporate authorities of a home rule municipality may  
25 impose a tax upon all persons engaged, in such municipality, in

1 the business of making sales of service at the same rate of tax  
2 imposed pursuant to Section 8-11-1, of the selling price of all  
3 tangible personal property transferred by such servicemen  
4 either in the form of tangible personal property or in the form  
5 of real estate as an incident to a sale of service. If imposed,  
6 such tax shall only be imposed in 1/4% increments. On and after  
7 September 1, 1991, this additional tax may not be imposed on  
8 the sales of food for human consumption which is to be consumed  
9 off the premises where it is sold (other than alcoholic  
10 beverages, soft drinks and food which has been prepared for  
11 immediate consumption) and prescription and nonprescription  
12 medicines, drugs, medical appliances and insulin, urine  
13 testing materials, syringes and needles used by diabetics. The  
14 tax imposed by a home rule municipality pursuant to this  
15 Section and all civil penalties that may be assessed as an  
16 incident thereof shall be collected and enforced by the State  
17 Department of Revenue. The certificate of registration which is  
18 issued by the Department to a retailer under the Retailers'  
19 Occupation Tax Act or under the Service Occupation Tax Act  
20 shall permit such registrant to engage in a business which is  
21 taxable under any ordinance or resolution enacted pursuant to  
22 this Section without registering separately with the  
23 Department under such ordinance or resolution or under this  
24 Section. The Department shall have full power to administer and  
25 enforce this Section; to collect all taxes and penalties due  
26 hereunder; to dispose of taxes and penalties so collected in

1 the manner hereinafter provided, and to determine all rights to  
2 credit memoranda arising on account of the erroneous payment of  
3 tax or penalty hereunder. In the administration of, and  
4 compliance with, this Section the Department and persons who  
5 are subject to this Section shall have the same rights,  
6 remedies, privileges, immunities, powers and duties, and be  
7 subject to the same conditions, restrictions, limitations,  
8 penalties and definitions of terms, and employ the same modes  
9 of procedure, as are prescribed in Sections 1a-1, 2, 2a, 3  
10 through 3-50 (in respect to all provisions therein other than  
11 the State rate of tax), 4 (except that the reference to the  
12 State shall be to the taxing municipality), 5, 7, 8 (except  
13 that the jurisdiction to which the tax shall be a debt to the  
14 extent indicated in that Section 8 shall be the taxing  
15 municipality), 9 (except as to the disposition of taxes and  
16 penalties collected, and except that the returned merchandise  
17 credit for this municipal tax may not be taken against any  
18 State tax), 10, 11, 12 (except the reference therein to Section  
19 2b of the Retailers' Occupation Tax Act), 13 (except that any  
20 reference to the State shall mean the taxing municipality), the  
21 first paragraph of Section 15, 16, 17 (except that credit  
22 memoranda issued hereunder may not be used to discharge any  
23 State tax liability), 18, 19 and 20 of the Service Occupation  
24 Tax Act and Section 3-7 of the Uniform Penalty and Interest  
25 Act, as fully as if those provisions were set forth herein.

26 No tax may be imposed by a home rule municipality pursuant

1 to this Section unless such municipality also imposes a tax at  
2 the same rate pursuant to Section 8-11-1 of this Act.

3 Persons subject to any tax imposed pursuant to the  
4 authority granted in this Section may reimburse themselves for  
5 their serviceman's tax liability hereunder by separately  
6 stating such tax as an additional charge, which charge may be  
7 stated in combination, in a single amount, with State tax which  
8 servicemen are authorized to collect under the Service Use Tax  
9 Act, pursuant to such bracket schedules as the Department may  
10 prescribe.

11 Whenever the Department determines that a refund should be  
12 made under this Section to a claimant instead of issuing credit  
13 memorandum, the Department shall notify the State Comptroller,  
14 who shall cause the order to be drawn for the amount specified,  
15 and to the person named, in such notification from the  
16 Department. Such refund shall be paid by the State Treasurer  
17 out of the home rule municipal retailers' occupation tax fund.

18 The Department shall forthwith pay over to the State  
19 Treasurer, ex-officio, as trustee, all taxes and penalties  
20 collected hereunder.

21 As soon as possible after the first day of each month,  
22 beginning January 1, 2011, upon certification of the Department  
23 of Revenue, the Comptroller shall order transferred, and the  
24 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
25 local sales tax increment, as defined in the Innovation  
26 Development and Economy Act, collected under this Section

1 during the second preceding calendar month for sales within a  
2 STAR bond district.

3 After the monthly transfer to the STAR Bonds Revenue Fund,  
4 on or before the 25th day of each calendar month, the  
5 Department shall prepare and certify to the Comptroller the  
6 disbursement of stated sums of money to named municipalities,  
7 the municipalities to be those from which suppliers and  
8 servicemen have paid taxes or penalties hereunder to the  
9 Department during the second preceding calendar month. The  
10 amount to be paid to each municipality shall be the amount (not  
11 including credit memoranda) collected hereunder during the  
12 second preceding calendar month by the Department, and not  
13 including an amount equal to the amount of refunds made during  
14 the second preceding calendar month by the Department on behalf  
15 of such municipality, and not including any amounts that are  
16 transferred to the STAR Bonds Revenue Fund, less 2% of the  
17 remainder, which the Department shall transfer into the Tax  
18 Compliance and Administration Fund. The Department, at the time  
19 of each monthly disbursement to the municipalities, shall  
20 prepare and certify to the State Comptroller the amount to be  
21 transferred into the Tax Compliance and Administration Fund  
22 under this Section. Within 10 days after receipt, by the  
23 Comptroller, of the disbursement certification to the  
24 municipalities and the Tax Compliance and Administration Fund,  
25 provided for in this Section to be given to the Comptroller by  
26 the Department, the Comptroller shall cause the orders to be

1 drawn for the respective amounts in accordance with the  
2 directions contained in such certification.

3 In addition to the disbursement required by the preceding  
4 paragraph and in order to mitigate delays caused by  
5 distribution procedures, an allocation shall, if requested, be  
6 made within 10 days after January 14, 1991, and in November of  
7 1991 and each year thereafter, to each municipality that  
8 received more than \$500,000 during the preceding fiscal year,  
9 (July 1 through June 30) whether collected by the municipality  
10 or disbursed by the Department as required by this Section.  
11 Within 10 days after January 14, 1991, participating  
12 municipalities shall notify the Department in writing of their  
13 intent to participate. In addition, for the initial  
14 distribution, participating municipalities shall certify to  
15 the Department the amounts collected by the municipality for  
16 each month under its home rule occupation and service  
17 occupation tax during the period July 1, 1989 through June 30,  
18 1990. The allocation within 10 days after January 14, 1991,  
19 shall be in an amount equal to the monthly average of these  
20 amounts, excluding the 2 months of highest receipts. Monthly  
21 average for the period of July 1, 1990 through June 30, 1991  
22 will be determined as follows: the amounts collected by the  
23 municipality under its home rule occupation and service  
24 occupation tax during the period of July 1, 1990 through  
25 September 30, 1990, plus amounts collected by the Department  
26 and paid to such municipality through June 30, 1991, excluding

1 the 2 months of highest receipts. The monthly average for each  
2 subsequent period of July 1 through June 30 shall be an amount  
3 equal to the monthly distribution made to each such  
4 municipality under the preceding paragraph during this period,  
5 excluding the 2 months of highest receipts. The distribution  
6 made in November 1991 and each year thereafter under this  
7 paragraph and the preceding paragraph shall be reduced by the  
8 amount allocated and disbursed under this paragraph in the  
9 preceding period of July 1 through June 30. The Department  
10 shall prepare and certify to the Comptroller for disbursement  
11 the allocations made in accordance with this paragraph.

12 Nothing in this Section shall be construed to authorize a  
13 municipality to impose a tax upon the privilege of engaging in  
14 any business which under the constitution of the United States  
15 may not be made the subject of taxation by this State.

16 An ordinance or resolution imposing or discontinuing a tax  
17 hereunder or effecting a change in the rate thereof shall be  
18 adopted and a certified copy thereof filed with the Department  
19 on or before the first day of June, whereupon the Department  
20 shall proceed to administer and enforce this Section as of the  
21 first day of September next following such adoption and filing.  
22 Beginning January 1, 1992, an ordinance or resolution imposing  
23 or discontinuing the tax hereunder or effecting a change in the  
24 rate thereof shall be adopted and a certified copy thereof  
25 filed with the Department on or before the first day of July,  
26 whereupon the Department shall proceed to administer and

1 enforce this Section as of the first day of October next  
2 following such adoption and filing. Beginning January 1, 1993,  
3 an ordinance or resolution imposing or discontinuing the tax  
4 hereunder or effecting a change in the rate thereof shall be  
5 adopted and a certified copy thereof filed with the Department  
6 on or before the first day of October, whereupon the Department  
7 shall proceed to administer and enforce this Section as of the  
8 first day of January next following such adoption and filing.  
9 However, a municipality located in a county with a population  
10 in excess of 3,000,000 that elected to become a home rule unit  
11 at the general primary election in 1994 may adopt an ordinance  
12 or resolution imposing the tax under this Section and file a  
13 certified copy of the ordinance or resolution with the  
14 Department on or before July 1, 1994. The Department shall then  
15 proceed to administer and enforce this Section as of October 1,  
16 1994. Beginning April 1, 1998, an ordinance or resolution  
17 imposing or discontinuing the tax hereunder or effecting a  
18 change in the rate thereof shall either (i) be adopted and a  
19 certified copy thereof filed with the Department on or before  
20 the first day of April, whereupon the Department shall proceed  
21 to administer and enforce this Section as of the first day of  
22 July next following the adoption and filing; or (ii) be adopted  
23 and a certified copy thereof filed with the Department on or  
24 before the first day of October, whereupon the Department shall  
25 proceed to administer and enforce this Section as of the first  
26 day of January next following the adoption and filing.

1 Any unobligated balance remaining in the Municipal  
2 Retailers' Occupation Tax Fund on December 31, 1989, which fund  
3 was abolished by Public Act 85-1135, and all receipts of  
4 municipal tax as a result of audits of liability periods prior  
5 to January 1, 1990, shall be paid into the Local Government Tax  
6 Fund, for distribution as provided by this Section prior to the  
7 enactment of Public Act 85-1135. All receipts of municipal tax  
8 as a result of an assessment not arising from an audit, for  
9 liability periods prior to January 1, 1990, shall be paid into  
10 the Local Government Tax Fund for distribution before July 1,  
11 1990, as provided by this Section prior to the enactment of  
12 Public Act 85-1135, and on and after July 1, 1990, all such  
13 receipts shall be distributed as provided in Section 6z-18 of  
14 the State Finance Act.

15 As used in this Section, "municipal" and "municipality"  
16 means a city, village or incorporated town, including an  
17 incorporated town which has superseded a civil township.

18 This Section shall be known and may be cited as the Home  
19 Rule Municipal Service Occupation Tax Act.

20 (Source: P.A. 96-939, eff. 6-24-10.)

21 Section 25. The Metropolitan Pier and Exposition Authority  
22 Act is amended by changing Section 13 as follows:

23 (70 ILCS 210/13) (from Ch. 85, par. 1233)

24 Sec. 13. (a) The Authority shall not have power to levy

1 taxes for any purpose, except as provided in subsections (b),  
2 (c), (d), (e), and (f).

3 (b) By ordinance the Authority shall, as soon as  
4 practicable after the effective date of this amendatory Act of  
5 1991, impose a Metropolitan Pier and Exposition Authority  
6 Retailers' Occupation Tax upon all persons engaged in the  
7 business of selling tangible personal property at retail within  
8 the territory described in this subsection at the rate of 1.0%  
9 of the gross receipts (i) from the sale of food, alcoholic  
10 beverages, and soft drinks sold for consumption on the premises  
11 where sold and (ii) from the sale of food, alcoholic beverages,  
12 and soft drinks sold for consumption off the premises where  
13 sold by a retailer whose principal source of gross receipts is  
14 from the sale of food, alcoholic beverages, and soft drinks  
15 prepared for immediate consumption.

16 The tax imposed under this subsection and all civil  
17 penalties that may be assessed as an incident to that tax shall  
18 be collected and enforced by the Illinois Department of  
19 Revenue. The Department shall have full power to administer and  
20 enforce this subsection, to collect all taxes and penalties so  
21 collected in the manner provided in this subsection, and to  
22 determine all rights to credit memoranda arising on account of  
23 the erroneous payment of tax or penalty under this subsection.  
24 In the administration of and compliance with this subsection,  
25 the Department and persons who are subject to this subsection  
26 shall have the same rights, remedies, privileges, immunities,

1 powers, and duties, shall be subject to the same conditions,  
2 restrictions, limitations, penalties, exclusions, exemptions,  
3 and definitions of terms, and shall employ the same modes of  
4 procedure applicable to this Retailers' Occupation Tax as are  
5 prescribed in Sections 1, 2 through 2-65 (in respect to all  
6 provisions of those Sections other than the State rate of  
7 taxes), 2c, 2h, 2i, 3 (except as to the disposition of taxes  
8 and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i,  
9 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and, until January  
10 1, 1994, 13.5 of the Retailers' Occupation Tax Act, and, on and  
11 after January 1, 1994, all applicable provisions of the Uniform  
12 Penalty and Interest Act that are not inconsistent with this  
13 Act, as fully as if provisions contained in those Sections of  
14 the Retailers' Occupation Tax Act were set forth in this  
15 subsection.

16 Persons subject to any tax imposed under the authority  
17 granted in this subsection may reimburse themselves for their  
18 seller's tax liability under this subsection by separately  
19 stating that tax as an additional charge, which charge may be  
20 stated in combination, in a single amount, with State taxes  
21 that sellers are required to collect under the Use Tax Act,  
22 pursuant to bracket schedules as the Department may prescribe.  
23 The retailer filing the return shall, at the time of filing the  
24 return, pay to the Department the amount of tax imposed under  
25 this subsection, less a discount of 1.75%, which is allowed to  
26 reimburse the retailer for the expenses incurred in keeping

1 records, preparing and filing returns, remitting the tax, and  
2 supplying data to the Department on request.

3 Whenever the Department determines that a refund should be  
4 made under this subsection to a claimant instead of issuing a  
5 credit memorandum, the Department shall notify the State  
6 Comptroller, who shall cause a warrant to be drawn for the  
7 amount specified and to the person named in the notification  
8 from the Department. The refund shall be paid by the State  
9 Treasurer out of the Metropolitan Pier and Exposition Authority  
10 trust fund held by the State Treasurer as trustee for the  
11 Authority.

12 Nothing in this subsection authorizes the Authority to  
13 impose a tax upon the privilege of engaging in any business  
14 that under the Constitution of the United States may not be  
15 made the subject of taxation by this State.

16 The Department shall forthwith pay over to the State  
17 Treasurer, ex officio, as trustee for the Authority, all taxes  
18 and penalties collected under this subsection for deposit into  
19 a trust fund held outside of the State Treasury.

20 As soon as possible after the first day of each month,  
21 beginning January 1, 2011, upon certification of the Department  
22 of Revenue, the Comptroller shall order transferred, and the  
23 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
24 local sales tax increment, as defined in the Innovation  
25 Development and Economy Act, collected under this subsection  
26 during the second preceding calendar month for sales within a

1 STAR bond district.

2 After the monthly transfer to the STAR Bonds Revenue Fund,  
3 on or before the 25th day of each calendar month, the  
4 Department shall prepare and certify to the Comptroller the  
5 amounts to be paid under subsection (g) of this Section, which  
6 shall be the amounts, not including credit memoranda, collected  
7 under this subsection during the second preceding calendar  
8 month by the Department, less any amounts determined by the  
9 Department to be necessary for the payment of refunds, less 2%  
10 of such balance, which sum shall be deposited by the State  
11 Treasurer into the Tax Compliance and Administration Fund in  
12 the State Treasury from which it shall be appropriated to the  
13 Department to cover the costs of the Department in  
14 administering and enforcing the provisions of this subsection,  
15 and less any amounts that are transferred to the STAR Bonds  
16 Revenue Fund. Within 10 days after receipt by the Comptroller  
17 of the certification, the Comptroller shall cause the orders to  
18 be drawn for the remaining amounts, and the Treasurer shall  
19 administer those amounts as required in subsection (g).

20 A certificate of registration issued by the Illinois  
21 Department of Revenue to a retailer under the Retailers'  
22 Occupation Tax Act shall permit the registrant to engage in a  
23 business that is taxed under the tax imposed under this  
24 subsection, and no additional registration shall be required  
25 under the ordinance imposing the tax or under this subsection.

26 A certified copy of any ordinance imposing or discontinuing

1 any tax under this subsection or effecting a change in the rate  
2 of that tax shall be filed with the Department, whereupon the  
3 Department shall proceed to administer and enforce this  
4 subsection on behalf of the Authority as of the first day of  
5 the third calendar month following the date of filing.

6 The tax authorized to be levied under this subsection may  
7 be levied within all or any part of the following described  
8 portions of the metropolitan area:

9 (1) that portion of the City of Chicago located within  
10 the following area: Beginning at the point of intersection  
11 of the Cook County - DuPage County line and York Road, then  
12 North along York Road to its intersection with Touhy  
13 Avenue, then east along Touhy Avenue to its intersection  
14 with the Northwest Tollway, then southeast along the  
15 Northwest Tollway to its intersection with Lee Street, then  
16 south along Lee Street to Higgins Road, then south and east  
17 along Higgins Road to its intersection with Mannheim Road,  
18 then south along Mannheim Road to its intersection with  
19 Irving Park Road, then west along Irving Park Road to its  
20 intersection with the Cook County - DuPage County line,  
21 then north and west along the county line to the point of  
22 beginning; and

23 (2) that portion of the City of Chicago located within  
24 the following area: Beginning at the intersection of West  
25 55th Street with Central Avenue, then east along West 55th  
26 Street to its intersection with South Cicero Avenue, then

1 south along South Cicero Avenue to its intersection with  
2 West 63rd Street, then west along West 63rd Street to its  
3 intersection with South Central Avenue, then north along  
4 South Central Avenue to the point of beginning; and

5 (3) that portion of the City of Chicago located within  
6 the following area: Beginning at the point 150 feet west of  
7 the intersection of the west line of North Ashland Avenue  
8 and the north line of West Diversey Avenue, then north 150  
9 feet, then east along a line 150 feet north of the north  
10 line of West Diversey Avenue extended to the shoreline of  
11 Lake Michigan, then following the shoreline of Lake  
12 Michigan (including Navy Pier and all other improvements  
13 fixed to land, docks, or piers) to the point where the  
14 shoreline of Lake Michigan and the Adlai E. Stevenson  
15 Expressway extended east to that shoreline intersect, then  
16 west along the Adlai E. Stevenson Expressway to a point 150  
17 feet west of the west line of South Ashland Avenue, then  
18 north along a line 150 feet west of the west line of South  
19 and North Ashland Avenue to the point of beginning.

20 The tax authorized to be levied under this subsection may  
21 also be levied on food, alcoholic beverages, and soft drinks  
22 sold on boats and other watercraft departing from and returning  
23 to the shoreline of Lake Michigan (including Navy Pier and all  
24 other improvements fixed to land, docks, or piers) described in  
25 item (3).

26 (c) By ordinance the Authority shall, as soon as

1 practicable after the effective date of this amendatory Act of  
2 1991, impose an occupation tax upon all persons engaged in the  
3 corporate limits of the City of Chicago in the business of  
4 renting, leasing, or letting rooms in a hotel, as defined in  
5 the Hotel Operators' Occupation Tax Act, at a rate of 2.5% of  
6 the gross rental receipts from the renting, leasing, or letting  
7 of hotel rooms within the City of Chicago, excluding, however,  
8 from gross rental receipts the proceeds of renting, leasing, or  
9 letting to permanent residents of a hotel, as defined in that  
10 Act. Gross rental receipts shall not include charges that are  
11 added on account of the liability arising from any tax imposed  
12 by the State or any governmental agency on the occupation of  
13 renting, leasing, or letting rooms in a hotel.

14 The tax imposed by the Authority under this subsection and  
15 all civil penalties that may be assessed as an incident to that  
16 tax shall be collected and enforced by the Illinois Department  
17 of Revenue. The certificate of registration that is issued by  
18 the Department to a lessor under the Hotel Operators'  
19 Occupation Tax Act shall permit that registrant to engage in a  
20 business that is taxable under any ordinance enacted under this  
21 subsection without registering separately with the Department  
22 under that ordinance or under this subsection. The Department  
23 shall have full power to administer and enforce this  
24 subsection, to collect all taxes and penalties due under this  
25 subsection, to dispose of taxes and penalties so collected in  
26 the manner provided in this subsection, and to determine all

1 rights to credit memoranda arising on account of the erroneous  
2 payment of tax or penalty under this subsection. In the  
3 administration of and compliance with this subsection, the  
4 Department and persons who are subject to this subsection shall  
5 have the same rights, remedies, privileges, immunities,  
6 powers, and duties, shall be subject to the same conditions,  
7 restrictions, limitations, penalties, and definitions of  
8 terms, and shall employ the same modes of procedure as are  
9 prescribed in the Hotel Operators' Occupation Tax Act (except  
10 where that Act is inconsistent with this subsection), as fully  
11 as if the provisions contained in the Hotel Operators'  
12 Occupation Tax Act were set out in this subsection.

13 Whenever the Department determines that a refund should be  
14 made under this subsection to a claimant instead of issuing a  
15 credit memorandum, the Department shall notify the State  
16 Comptroller, who shall cause a warrant to be drawn for the  
17 amount specified and to the person named in the notification  
18 from the Department. The refund shall be paid by the State  
19 Treasurer out of the Metropolitan Pier and Exposition Authority  
20 trust fund held by the State Treasurer as trustee for the  
21 Authority.

22 Persons subject to any tax imposed under the authority  
23 granted in this subsection may reimburse themselves for their  
24 tax liability for that tax by separately stating that tax as an  
25 additional charge, which charge may be stated in combination,  
26 in a single amount, with State taxes imposed under the Hotel

1 Operators' Occupation Tax Act, the municipal tax imposed under  
2 Section 8-3-13 of the Illinois Municipal Code, and the tax  
3 imposed under Section 19 of the Illinois Sports Facilities  
4 Authority Act.

5 The person filing the return shall, at the time of filing  
6 the return, pay to the Department the amount of tax, less a  
7 discount of 2.1% or \$25 per calendar year, whichever is  
8 greater, which is allowed to reimburse the operator for the  
9 expenses incurred in keeping records, preparing and filing  
10 returns, remitting the tax, and supplying data to the  
11 Department on request.

12 The Department shall forthwith pay over to the State  
13 Treasurer, ex officio, as trustee for the Authority, all taxes  
14 and penalties collected under this subsection for deposit into  
15 a trust fund held outside the State Treasury. On or before the  
16 25th day of each calendar month, the Department shall certify  
17 to the Comptroller the amounts to be paid under subsection (g)  
18 of this Section, which shall be the amounts (not including  
19 credit memoranda) collected under this subsection during the  
20 second preceding calendar month by the Department, less any  
21 amounts determined by the Department to be necessary for  
22 payment of refunds, less 2% of the remainder, which the  
23 Department shall transfer into the Tax Compliance and  
24 Administration Fund. The Department, at the time of each  
25 monthly disbursement to the Authority, shall prepare and  
26 certify to the State Comptroller the amount to be transferred

1 into the Tax Compliance and Administration Fund under this  
2 subsection. Within 10 days after receipt by the Comptroller of  
3 the Department's certification, the Comptroller shall cause  
4 the orders to be drawn for such amounts, and the Treasurer  
5 shall administer the ~~those~~ amounts distributed to the Authority  
6 as required in subsection (g).

7 A certified copy of any ordinance imposing or discontinuing  
8 a tax under this subsection or effecting a change in the rate  
9 of that tax shall be filed with the Illinois Department of  
10 Revenue, whereupon the Department shall proceed to administer  
11 and enforce this subsection on behalf of the Authority as of  
12 the first day of the third calendar month following the date of  
13 filing.

14 (d) By ordinance the Authority shall, as soon as  
15 practicable after the effective date of this amendatory Act of  
16 1991, impose a tax upon all persons engaged in the business of  
17 renting automobiles in the metropolitan area at the rate of 6%  
18 of the gross receipts from that business, except that no tax  
19 shall be imposed on the business of renting automobiles for use  
20 as taxicabs or in livery service. The tax imposed under this  
21 subsection and all civil penalties that may be assessed as an  
22 incident to that tax shall be collected and enforced by the  
23 Illinois Department of Revenue. The certificate of  
24 registration issued by the Department to a retailer under the  
25 Retailers' Occupation Tax Act or under the Automobile Renting  
26 Occupation and Use Tax Act shall permit that person to engage

1 in a business that is taxable under any ordinance enacted under  
2 this subsection without registering separately with the  
3 Department under that ordinance or under this subsection. The  
4 Department shall have full power to administer and enforce this  
5 subsection, to collect all taxes and penalties due under this  
6 subsection, to dispose of taxes and penalties so collected in  
7 the manner provided in this subsection, and to determine all  
8 rights to credit memoranda arising on account of the erroneous  
9 payment of tax or penalty under this subsection. In the  
10 administration of and compliance with this subsection, the  
11 Department and persons who are subject to this subsection shall  
12 have the same rights, remedies, privileges, immunities,  
13 powers, and duties, be subject to the same conditions,  
14 restrictions, limitations, penalties, and definitions of  
15 terms, and employ the same modes of procedure as are prescribed  
16 in Sections 2 and 3 (in respect to all provisions of those  
17 Sections other than the State rate of tax; and in respect to  
18 the provisions of the Retailers' Occupation Tax Act referred to  
19 in those Sections, except as to the disposition of taxes and  
20 penalties collected, except for the provision allowing  
21 retailers a deduction from the tax to cover certain costs, and  
22 except that credit memoranda issued under this subsection may  
23 not be used to discharge any State tax liability) of the  
24 Automobile Renting Occupation and Use Tax Act, as fully as if  
25 provisions contained in those Sections of that Act were set  
26 forth in this subsection.

1           Persons subject to any tax imposed under the authority  
2 granted in this subsection may reimburse themselves for their  
3 tax liability under this subsection by separately stating that  
4 tax as an additional charge, which charge may be stated in  
5 combination, in a single amount, with State tax that sellers  
6 are required to collect under the Automobile Renting Occupation  
7 and Use Tax Act, pursuant to bracket schedules as the  
8 Department may prescribe.

9           Whenever the Department determines that a refund should be  
10 made under this subsection to a claimant instead of issuing a  
11 credit memorandum, the Department shall notify the State  
12 Comptroller, who shall cause a warrant to be drawn for the  
13 amount specified and to the person named in the notification  
14 from the Department. The refund shall be paid by the State  
15 Treasurer out of the Metropolitan Pier and Exposition Authority  
16 trust fund held by the State Treasurer as trustee for the  
17 Authority.

18           The Department shall forthwith pay over to the State  
19 Treasurer, ex officio, as trustee, all taxes and penalties  
20 collected under this subsection for deposit into a trust fund  
21 held outside the State Treasury. On or before the 25th day of  
22 each calendar month, the Department shall certify to the  
23 Comptroller the amounts to be paid under subsection (g) of this  
24 Section (not including credit memoranda) collected under this  
25 subsection during the second preceding calendar month by the  
26 Department, less any amount determined by the Department to be

1 necessary for payment of refunds, less 2% of the remainder,  
2 which the Department shall transfer into the Tax Compliance and  
3 Administration Fund. The Department, at the time of each  
4 monthly disbursement to the Authority, shall prepare and  
5 certify to the State Comptroller the amount to be transferred  
6 into the Tax Compliance and Administration Fund under this  
7 subsection. Within 10 days after receipt by the Comptroller of  
8 the Department's certification, the Comptroller shall cause  
9 the orders to be drawn for such amounts, and the Treasurer  
10 shall administer ~~the~~ those amounts distributed to the Authority  
11 as required in subsection (g).

12 Nothing in this subsection authorizes the Authority to  
13 impose a tax upon the privilege of engaging in any business  
14 that under the Constitution of the United States may not be  
15 made the subject of taxation by this State.

16 A certified copy of any ordinance imposing or discontinuing  
17 a tax under this subsection or effecting a change in the rate  
18 of that tax shall be filed with the Illinois Department of  
19 Revenue, whereupon the Department shall proceed to administer  
20 and enforce this subsection on behalf of the Authority as of  
21 the first day of the third calendar month following the date of  
22 filing.

23 (e) By ordinance the Authority shall, as soon as  
24 practicable after the effective date of this amendatory Act of  
25 1991, impose a tax upon the privilege of using in the  
26 metropolitan area an automobile that is rented from a rentor

1 outside Illinois and is titled or registered with an agency of  
2 this State's government at a rate of 6% of the rental price of  
3 that automobile, except that no tax shall be imposed on the  
4 privilege of using automobiles rented for use as taxicabs or in  
5 livery service. The tax shall be collected from persons whose  
6 Illinois address for titling or registration purposes is given  
7 as being in the metropolitan area. The tax shall be collected  
8 by the Department of Revenue for the Authority. The tax must be  
9 paid to the State or an exemption determination must be  
10 obtained from the Department of Revenue before the title or  
11 certificate of registration for the property may be issued. The  
12 tax or proof of exemption may be transmitted to the Department  
13 by way of the State agency with which or State officer with  
14 whom the tangible personal property must be titled or  
15 registered if the Department and that agency or State officer  
16 determine that this procedure will expedite the processing of  
17 applications for title or registration.

18 The Department shall have full power to administer and  
19 enforce this subsection, to collect all taxes, penalties, and  
20 interest due under this subsection, to dispose of taxes,  
21 penalties, and interest so collected in the manner provided in  
22 this subsection, and to determine all rights to credit  
23 memoranda or refunds arising on account of the erroneous  
24 payment of tax, penalty, or interest under this subsection. In  
25 the administration of and compliance with this subsection, the  
26 Department and persons who are subject to this subsection shall

1 have the same rights, remedies, privileges, immunities,  
2 powers, and duties, be subject to the same conditions,  
3 restrictions, limitations, penalties, and definitions of  
4 terms, and employ the same modes of procedure as are prescribed  
5 in Sections 2 and 4 (except provisions pertaining to the State  
6 rate of tax; and in respect to the provisions of the Use Tax  
7 Act referred to in that Section, except provisions concerning  
8 collection or refunding of the tax by retailers, except the  
9 provisions of Section 19 pertaining to claims by retailers,  
10 except the last paragraph concerning refunds, and except that  
11 credit memoranda issued under this subsection may not be used  
12 to discharge any State tax liability) of the Automobile Renting  
13 Occupation and Use Tax Act, as fully as if provisions contained  
14 in those Sections of that Act were set forth in this  
15 subsection.

16 Whenever the Department determines that a refund should be  
17 made under this subsection to a claimant instead of issuing a  
18 credit memorandum, the Department shall notify the State  
19 Comptroller, who shall cause a warrant to be drawn for the  
20 amount specified and to the person named in the notification  
21 from the Department. The refund shall be paid by the State  
22 Treasurer out of the Metropolitan Pier and Exposition Authority  
23 trust fund held by the State Treasurer as trustee for the  
24 Authority.

25 The Department shall forthwith pay over to the State  
26 Treasurer, ex officio, as trustee, all taxes, penalties, and

1 interest collected under this subsection for deposit into a  
2 trust fund held outside the State Treasury. On or before the  
3 25th day of each calendar month, the Department shall certify  
4 to the State Comptroller the amounts to be paid under  
5 subsection (g) of this Section, which shall be the amounts (not  
6 including credit memoranda) collected under this subsection  
7 during the second preceding calendar month by the Department,  
8 less any amounts determined by the Department to be necessary  
9 for payment of refunds, less 2% of the remainder, which the  
10 Department shall transfer into the Tax Compliance and  
11 Administration Fund. The Department, at the time of each  
12 monthly disbursement to the Authority, shall prepare and  
13 certify to the State Comptroller the amount to be transferred  
14 into the Tax Compliance and Administration Fund under this  
15 subsection. Within 10 days after receipt by the State  
16 Comptroller of the Department's certification, the Comptroller  
17 shall cause the orders to be drawn for such amounts, and the  
18 Treasurer shall administer the ~~those~~ amounts distributed to the  
19 Authority as required in subsection (g).

20 A certified copy of any ordinance imposing or discontinuing  
21 a tax or effecting a change in the rate of that tax shall be  
22 filed with the Illinois Department of Revenue, whereupon the  
23 Department shall proceed to administer and enforce this  
24 subsection on behalf of the Authority as of the first day of  
25 the third calendar month following the date of filing.

26 (f) By ordinance the Authority shall, as soon as

1 practicable after the effective date of this amendatory Act of  
2 1991, impose an occupation tax on all persons, other than a  
3 governmental agency, engaged in the business of providing  
4 ground transportation for hire to passengers in the  
5 metropolitan area at a rate of (i) \$4 per taxi or livery  
6 vehicle departure with passengers for hire from commercial  
7 service airports in the metropolitan area, (ii) for each  
8 departure with passengers for hire from a commercial service  
9 airport in the metropolitan area in a bus or van operated by a  
10 person other than a person described in item (iii): \$18 per bus  
11 or van with a capacity of 1-12 passengers, \$36 per bus or van  
12 with a capacity of 13-24 passengers, and \$54 per bus or van  
13 with a capacity of over 24 passengers, and (iii) for each  
14 departure with passengers for hire from a commercial service  
15 airport in the metropolitan area in a bus or van operated by a  
16 person regulated by the Interstate Commerce Commission or  
17 Illinois Commerce Commission, operating scheduled service from  
18 the airport, and charging fares on a per passenger basis: \$2  
19 per passenger for hire in each bus or van. The term "commercial  
20 service airports" means those airports receiving scheduled  
21 passenger service and enplaning more than 100,000 passengers  
22 per year.

23 In the ordinance imposing the tax, the Authority may  
24 provide for the administration and enforcement of the tax and  
25 the collection of the tax from persons subject to the tax as  
26 the Authority determines to be necessary or practicable for the

1 effective administration of the tax. The Authority may enter  
2 into agreements as it deems appropriate with any governmental  
3 agency providing for that agency to act as the Authority's  
4 agent to collect the tax.

5 In the ordinance imposing the tax, the Authority may  
6 designate a method or methods for persons subject to the tax to  
7 reimburse themselves for the tax liability arising under the  
8 ordinance (i) by separately stating the full amount of the tax  
9 liability as an additional charge to passengers departing the  
10 airports, (ii) by separately stating one-half of the tax  
11 liability as an additional charge to both passengers departing  
12 from and to passengers arriving at the airports, or (iii) by  
13 some other method determined by the Authority.

14 All taxes, penalties, and interest collected under any  
15 ordinance adopted under this subsection, less any amounts  
16 determined to be necessary for the payment of refunds and less  
17 the taxes, penalties, and interest attributable to any increase  
18 in the rate of tax authorized by Public Act 96-898, shall be  
19 paid forthwith to the State Treasurer, ex officio, for deposit  
20 into a trust fund held outside the State Treasury and shall be  
21 administered by the State Treasurer as provided in subsection  
22 (g) of this Section. All taxes, penalties, and interest  
23 attributable to any increase in the rate of tax authorized by  
24 Public Act 96-898 shall be paid by the State Treasurer as  
25 follows: 25% for deposit into the Convention Center Support  
26 Fund, to be used by the Village of Rosemont for the repair,

1 maintenance, and improvement of the Donald E. Stephens  
2 Convention Center and for debt service on debt instruments  
3 issued for those purposes by the village and 75% to the  
4 Authority to be used for grants to an organization meeting the  
5 qualifications set out in Section 5.6 of this Act, provided the  
6 Metropolitan Pier and Exposition Authority has entered into a  
7 marketing agreement with such an organization.

8 (g) Amounts deposited from the proceeds of taxes imposed by  
9 the Authority under subsections (b), (c), (d), (e), and (f) of  
10 this Section and amounts deposited under Section 19 of the  
11 Illinois Sports Facilities Authority Act shall be held in a  
12 trust fund outside the State Treasury and, other than the  
13 amounts transferred into the Tax Compliance and Administration  
14 Fund under subsections (b), (c), (d), and (e), shall be  
15 administered by the Treasurer as follows:

16 (1) An amount necessary for the payment of refunds with  
17 respect to those taxes shall be retained in the trust fund  
18 and used for those payments.

19 (2) On July 20 and on the 20th of each month  
20 thereafter, provided that the amount requested in the  
21 annual certificate of the Chairman of the Authority filed  
22 under Section 8.25f of the State Finance Act has been  
23 appropriated for payment to the Authority, 1/8 of the local  
24 tax transfer amount, together with any cumulative  
25 deficiencies in the amounts transferred into the McCormick  
26 Place Expansion Project Fund under this subparagraph (2)

1 during the fiscal year for which the certificate has been  
2 filed, shall be transferred from the trust fund into the  
3 McCormick Place Expansion Project Fund in the State  
4 treasury until 100% of the local tax transfer amount has  
5 been so transferred. "Local tax transfer amount" shall mean  
6 the amount requested in the annual certificate, minus the  
7 reduction amount. "Reduction amount" shall mean \$41.7  
8 million in fiscal year 2011, \$36.7 million in fiscal year  
9 2012, \$36.7 million in fiscal year 2013, \$36.7 million in  
10 fiscal year 2014, and \$31.7 million in each fiscal year  
11 thereafter until 2032, provided that the reduction amount  
12 shall be reduced by (i) the amount certified by the  
13 Authority to the State Comptroller and State Treasurer  
14 under Section 8.25 of the State Finance Act, as amended,  
15 with respect to that fiscal year and (ii) in any fiscal  
16 year in which the amounts deposited in the trust fund under  
17 this Section exceed \$318.3 million, exclusive of amounts  
18 set aside for refunds and for the reserve account, one  
19 dollar for each dollar of the deposits in the trust fund  
20 above \$318.3 million with respect to that year, exclusive  
21 of amounts set aside for refunds and for the reserve  
22 account.

23 (3) On July 20, 2010, the Comptroller shall certify to  
24 the Governor, the Treasurer, and the Chairman of the  
25 Authority the 2010 deficiency amount, which means the  
26 cumulative amount of transfers that were due from the trust

1 fund to the McCormick Place Expansion Project Fund in  
2 fiscal years 2008, 2009, and 2010 under Section 13(g) of  
3 this Act, as it existed prior to May 27, 2010 (the  
4 effective date of Public Act 96-898), but not made. On July  
5 20, 2011 and on July 20 of each year through July 20, 2014,  
6 the Treasurer shall calculate for the previous fiscal year  
7 the surplus revenues in the trust fund and pay that amount  
8 to the Authority. On July 20, 2015 and on July 20 of each  
9 year thereafter, as long as bonds and notes issued under  
10 Section 13.2 or bonds and notes issued to refund those  
11 bonds and notes are outstanding, the Treasurer shall  
12 calculate for the previous fiscal year the surplus revenues  
13 in the trust fund and pay one-half of that amount to the  
14 State Treasurer for deposit into the General Revenue Fund  
15 until the 2010 deficiency amount has been paid and shall  
16 pay the balance of the surplus revenues to the Authority.  
17 "Surplus revenues" means the amounts remaining in the trust  
18 fund on June 30 of the previous fiscal year (A) after the  
19 State Treasurer has set aside in the trust fund (i) amounts  
20 retained for refunds under subparagraph (1) and (ii) any  
21 amounts necessary to meet the reserve account amount and  
22 (B) after the State Treasurer has transferred from the  
23 trust fund to the General Revenue Fund 100% of any  
24 post-2010 deficiency amount. "Reserve account amount"  
25 means \$15 million in fiscal year 2011 and \$30 million in  
26 each fiscal year thereafter. The reserve account amount

1 shall be set aside in the trust fund and used as a reserve  
2 to be transferred to the McCormick Place Expansion Project  
3 Fund in the event the proceeds of taxes imposed under this  
4 Section 13 are not sufficient to fund the transfer required  
5 in subparagraph (2). "Post-2010 deficiency amount" means  
6 any deficiency in transfers from the trust fund to the  
7 McCormick Place Expansion Project Fund with respect to  
8 fiscal years 2011 and thereafter. It is the intention of  
9 this subparagraph (3) that no surplus revenues shall be  
10 paid to the Authority with respect to any year in which a  
11 post-2010 deficiency amount has not been satisfied by the  
12 Authority.

13 Moneys received by the Authority as surplus revenues may be  
14 used (i) for the purposes of paying debt service on the bonds  
15 and notes issued by the Authority, including early redemption  
16 of those bonds or notes, (ii) for the purposes of repair,  
17 replacement, and improvement of the grounds, buildings, and  
18 facilities of the Authority, and (iii) for the corporate  
19 purposes of the Authority in fiscal years 2011 through 2015 in  
20 an amount not to exceed \$20,000,000 annually or \$80,000,000  
21 total, which amount shall be reduced \$0.75 for each dollar of  
22 the receipts of the Authority in that year from any contract  
23 entered into with respect to naming rights at McCormick Place  
24 under Section 5(m) of this Act. When bonds and notes issued  
25 under Section 13.2, or bonds or notes issued to refund those  
26 bonds and notes, are no longer outstanding, the balance in the

1 trust fund shall be paid to the Authority.

2 (h) The ordinances imposing the taxes authorized by this  
3 Section shall be repealed when bonds and notes issued under  
4 Section 13.2 or bonds and notes issued to refund those bonds  
5 and notes are no longer outstanding.

6 (Source: P.A. 97-333, eff. 8-12-11; 98-463, eff. 8-16-13.)

7 Section 30. The Metro-East Park and Recreation District Act  
8 is amended by changing Section 30 as follows:

9 (70 ILCS 1605/30)

10 Sec. 30. Taxes.

11 (a) The board shall impose a tax upon all persons engaged  
12 in the business of selling tangible personal property, other  
13 than personal property titled or registered with an agency of  
14 this State's government, at retail in the District on the gross  
15 receipts from the sales made in the course of business. This  
16 tax shall be imposed only at the rate of one-tenth of one per  
17 cent.

18 This additional tax may not be imposed on the sales of food  
19 for human consumption that is to be consumed off the premises  
20 where it is sold (other than alcoholic beverages, soft drinks,  
21 and food which has been prepared for immediate consumption) and  
22 prescription and non-prescription medicines, drugs, medical  
23 appliances, and insulin, urine testing materials, syringes,  
24 and needles used by diabetics. The tax imposed by the Board

1 under this Section and all civil penalties that may be assessed  
2 as an incident of the tax shall be collected and enforced by  
3 the Department of Revenue. The certificate of registration that  
4 is issued by the Department to a retailer under the Retailers'  
5 Occupation Tax Act shall permit the retailer to engage in a  
6 business that is taxable without registering separately with  
7 the Department under an ordinance or resolution under this  
8 Section. The Department has full power to administer and  
9 enforce this Section, to collect all taxes and penalties due  
10 under this Section, to dispose of taxes and penalties so  
11 collected in the manner provided in this Section, and to  
12 determine all rights to credit memoranda arising on account of  
13 the erroneous payment of a tax or penalty under this Section.  
14 In the administration of and compliance with this Section, the  
15 Department and persons who are subject to this Section shall  
16 (i) have the same rights, remedies, privileges, immunities,  
17 powers, and duties, (ii) be subject to the same conditions,  
18 restrictions, limitations, penalties, and definitions of  
19 terms, and (iii) employ the same modes of procedure as are  
20 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m,  
21 1n, 2, 2-5, 2-5.5, 2-10 (in respect to all provisions contained  
22 in those Sections other than the State rate of tax), 2-12, 2-15  
23 through 2-70, 2a, 2b, 2c, 3 (except provisions relating to  
24 transaction returns and quarter monthly payments), 4, 5, 5a,  
25 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,  
26 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation

1 Tax Act and the Uniform Penalty and Interest Act as if those  
2 provisions were set forth in this Section.

3 Persons subject to any tax imposed under the authority  
4 granted in this Section may reimburse themselves for their  
5 sellers' tax liability by separately stating the tax as an  
6 additional charge, which charge may be stated in combination,  
7 in a single amount, with State tax which sellers are required  
8 to collect under the Use Tax Act, pursuant to such bracketed  
9 schedules as the Department may prescribe.

10 Whenever the Department determines that a refund should be  
11 made under this Section to a claimant instead of issuing a  
12 credit memorandum, the Department shall notify the State  
13 Comptroller, who shall cause the order to be drawn for the  
14 amount specified and to the person named in the notification  
15 from the Department. The refund shall be paid by the State  
16 Treasurer out of the State Metro-East Park and Recreation  
17 District Fund.

18 (b) If a tax has been imposed under subsection (a), a  
19 service occupation tax shall also be imposed at the same rate  
20 upon all persons engaged, in the District, in the business of  
21 making sales of service, who, as an incident to making those  
22 sales of service, transfer tangible personal property within  
23 the District as an incident to a sale of service. This tax may  
24 not be imposed on sales of food for human consumption that is  
25 to be consumed off the premises where it is sold (other than  
26 alcoholic beverages, soft drinks, and food prepared for

1 immediate consumption) and prescription and non-prescription  
2 medicines, drugs, medical appliances, and insulin, urine  
3 testing materials, syringes, and needles used by diabetics. The  
4 tax imposed under this subsection and all civil penalties that  
5 may be assessed as an incident thereof shall be collected and  
6 enforced by the Department of Revenue. The Department has full  
7 power to administer and enforce this subsection; to collect all  
8 taxes and penalties due hereunder; to dispose of taxes and  
9 penalties so collected in the manner hereinafter provided; and  
10 to determine all rights to credit memoranda arising on account  
11 of the erroneous payment of tax or penalty hereunder. In the  
12 administration of, and compliance with this subsection, the  
13 Department and persons who are subject to this paragraph shall  
14 (i) have the same rights, remedies, privileges, immunities,  
15 powers, and duties, (ii) be subject to the same conditions,  
16 restrictions, limitations, penalties, exclusions, exemptions,  
17 and definitions of terms, and (iii) employ the same modes of  
18 procedure as are prescribed in Sections 2 (except that the  
19 reference to State in the definition of supplier maintaining a  
20 place of business in this State shall mean the District), 2a,  
21 2b, 2c, 3 through 3-50 (in respect to all provisions therein  
22 other than the State rate of tax), 4 (except that the reference  
23 to the State shall be to the District), 5, 7, 8 (except that  
24 the jurisdiction to which the tax shall be a debt to the extent  
25 indicated in that Section 8 shall be the District), 9 (except  
26 as to the disposition of taxes and penalties collected), 10,

1 11, 12 (except the reference therein to Section 2b of the  
2 Retailers' Occupation Tax Act), 13 (except that any reference  
3 to the State shall mean the District), Sections 15, 16, 17, 18,  
4 19 and 20 of the Service Occupation Tax Act and the Uniform  
5 Penalty and Interest Act, as fully as if those provisions were  
6 set forth herein.

7 Persons subject to any tax imposed under the authority  
8 granted in this subsection may reimburse themselves for their  
9 serviceman's tax liability by separately stating the tax as an  
10 additional charge, which charge may be stated in combination,  
11 in a single amount, with State tax that servicemen are  
12 authorized to collect under the Service Use Tax Act, in  
13 accordance with such bracket schedules as the Department may  
14 prescribe.

15 Whenever the Department determines that a refund should be  
16 made under this subsection to a claimant instead of issuing a  
17 credit memorandum, the Department shall notify the State  
18 Comptroller, who shall cause the warrant to be drawn for the  
19 amount specified, and to the person named, in the notification  
20 from the Department. The refund shall be paid by the State  
21 Treasurer out of the State Metro-East Park and Recreation  
22 District Fund.

23 Nothing in this subsection shall be construed to authorize  
24 the board to impose a tax upon the privilege of engaging in any  
25 business which under the Constitution of the United States may  
26 not be made the subject of taxation by the State.

1           (c) The Department shall immediately pay over to the State  
2 Treasurer, ex officio, as trustee, all taxes and penalties  
3 collected under this Section to be deposited into the State  
4 Metro-East Park and Recreation District Fund, which shall be an  
5 unappropriated trust fund held outside of the State treasury.

6           As soon as possible after the first day of each month,  
7 beginning January 1, 2011, upon certification of the Department  
8 of Revenue, the Comptroller shall order transferred, and the  
9 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
10 local sales tax increment, as defined in the Innovation  
11 Development and Economy Act, collected under this Section  
12 during the second preceding calendar month for sales within a  
13 STAR bond district. The Department shall make this  
14 certification only if the Metro East Park and Recreation  
15 District imposes a tax on real property as provided in the  
16 definition of "local sales taxes" under the Innovation  
17 Development and Economy Act.

18           After the monthly transfer to the STAR Bonds Revenue Fund,  
19 on or before the 25th day of each calendar month, the  
20 Department shall prepare and certify to the Comptroller the  
21 disbursement of stated sums of money pursuant to Section 35 of  
22 this Act to the District from which retailers have paid taxes  
23 or penalties to the Department during the second preceding  
24 calendar month. The amount to be paid to the District shall be  
25 the amount (not including credit memoranda) collected under  
26 this Section during the second preceding calendar month by the

1 Department plus an amount the Department determines is  
2 necessary to offset any amounts that were erroneously paid to a  
3 different taxing body, and not including (i) an amount equal to  
4 the amount of refunds made during the second preceding calendar  
5 month by the Department on behalf of the District, (ii) any  
6 amount that the Department determines is necessary to offset  
7 any amounts that were payable to a different taxing body but  
8 were erroneously paid to the District, ~~and~~ (iii) any amounts  
9 that are transferred to the STAR Bonds Revenue Fund, and (iv)  
10 2% of the remainder, which the Department shall transfer into  
11 the Tax Compliance and Administration Fund. The Department, at  
12 the time of each monthly disbursement to the District, shall  
13 prepare and certify to the State Comptroller the amount to be  
14 transferred into the Tax Compliance and Administration Fund  
15 under this subsection. Within 10 days after receipt by the  
16 Comptroller of the disbursement certification to the District  
17 and the Tax Compliance and Administration Fund provided for in  
18 this Section to be given to the Comptroller by the Department,  
19 the Comptroller shall cause the orders to be drawn for the  
20 respective amounts in accordance with directions contained in  
21 the certification.

22 (d) For the purpose of determining whether a tax authorized  
23 under this Section is applicable, a retail sale by a producer  
24 of coal or another mineral mined in Illinois is a sale at  
25 retail at the place where the coal or other mineral mined in  
26 Illinois is extracted from the earth. This paragraph does not

1 apply to coal or another mineral when it is delivered or  
2 shipped by the seller to the purchaser at a point outside  
3 Illinois so that the sale is exempt under the United States  
4 Constitution as a sale in interstate or foreign commerce.

5 (e) Nothing in this Section shall be construed to authorize  
6 the board to impose a tax upon the privilege of engaging in any  
7 business that under the Constitution of the United States may  
8 not be made the subject of taxation by this State.

9 (f) An ordinance imposing a tax under this Section or an  
10 ordinance extending the imposition of a tax to an additional  
11 county or counties shall be certified by the board and filed  
12 with the Department of Revenue either (i) on or before the  
13 first day of April, whereupon the Department shall proceed to  
14 administer and enforce the tax as of the first day of July next  
15 following the filing; or (ii) on or before the first day of  
16 October, whereupon the Department shall proceed to administer  
17 and enforce the tax as of the first day of January next  
18 following the filing.

19 (g) When certifying the amount of a monthly disbursement to  
20 the District under this Section, the Department shall increase  
21 or decrease the amounts by an amount necessary to offset any  
22 misallocation of previous disbursements. The offset amount  
23 shall be the amount erroneously disbursed within the previous 6  
24 months from the time a misallocation is discovered.

25 (Source: P.A. 98-1098, eff. 8-26-14; 99-217, eff. 7-31-15.)

1           Section 35. The Local Mass Transit District Act is amended  
2 by changing Section 5.01 as follows:

3           (70 ILCS 3610/5.01)   (from Ch. 111 2/3, par. 355.01)

4           Sec. 5.01. Metro East Mass Transit District; use and  
5 occupation taxes.

6           (a) The Board of Trustees of any Metro East Mass Transit  
7 District may, by ordinance adopted with the concurrence of  
8 two-thirds of the then trustees, impose throughout the District  
9 any or all of the taxes and fees provided in this Section. All  
10 taxes and fees imposed under this Section shall be used only  
11 for public mass transportation systems, and the amount used to  
12 provide mass transit service to unserved areas of the District  
13 shall be in the same proportion to the total proceeds as the  
14 number of persons residing in the unserved areas is to the  
15 total population of the District. Except as otherwise provided  
16 in this Act, taxes imposed under this Section and civil  
17 penalties imposed incident thereto shall be collected and  
18 enforced by the State Department of Revenue. The Department  
19 shall have the power to administer and enforce the taxes and to  
20 determine all rights for refunds for erroneous payments of the  
21 taxes.

22           (b) The Board may impose a Metro East Mass Transit District  
23 Retailers' Occupation Tax upon all persons engaged in the  
24 business of selling tangible personal property at retail in the  
25 district at a rate of 1/4 of 1%, or as authorized under

1 subsection (d-5) of this Section, of the gross receipts from  
2 the sales made in the course of such business within the  
3 district. The tax imposed under this Section and all civil  
4 penalties that may be assessed as an incident thereof shall be  
5 collected and enforced by the State Department of Revenue. The  
6 Department shall have full power to administer and enforce this  
7 Section; to collect all taxes and penalties so collected in the  
8 manner hereinafter provided; and to determine all rights to  
9 credit memoranda arising on account of the erroneous payment of  
10 tax or penalty hereunder. In the administration of, and  
11 compliance with, this Section, the Department and persons who  
12 are subject to this Section shall have the same rights,  
13 remedies, privileges, immunities, powers and duties, and be  
14 subject to the same conditions, restrictions, limitations,  
15 penalties, exclusions, exemptions and definitions of terms and  
16 employ the same modes of procedure, as are prescribed in  
17 Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65  
18 (in respect to all provisions therein other than the State rate  
19 of tax), 2c, 3 (except as to the disposition of taxes and  
20 penalties collected), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j,  
21 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12, 13, and 14 of  
22 the Retailers' Occupation Tax Act and Section 3-7 of the  
23 Uniform Penalty and Interest Act, as fully as if those  
24 provisions were set forth herein.

25 Persons subject to any tax imposed under the Section may  
26 reimburse themselves for their seller's tax liability

1 hereunder by separately stating the tax as an additional  
2 charge, which charge may be stated in combination, in a single  
3 amount, with State taxes that sellers are required to collect  
4 under the Use Tax Act, in accordance with such bracket  
5 schedules as the Department may prescribe.

6 Whenever the Department determines that a refund should be  
7 made under this Section to a claimant instead of issuing a  
8 credit memorandum, the Department shall notify the State  
9 Comptroller, who shall cause the warrant to be drawn for the  
10 amount specified, and to the person named, in the notification  
11 from the Department. The refund shall be paid by the State  
12 Treasurer out of the Metro East Mass Transit District tax fund  
13 established under paragraph (h) of this Section.

14 If a tax is imposed under this subsection (b), a tax shall  
15 also be imposed under subsections (c) and (d) of this Section.

16 For the purpose of determining whether a tax authorized  
17 under this Section is applicable, a retail sale, by a producer  
18 of coal or other mineral mined in Illinois, is a sale at retail  
19 at the place where the coal or other mineral mined in Illinois  
20 is extracted from the earth. This paragraph does not apply to  
21 coal or other mineral when it is delivered or shipped by the  
22 seller to the purchaser at a point outside Illinois so that the  
23 sale is exempt under the Federal Constitution as a sale in  
24 interstate or foreign commerce.

25 No tax shall be imposed or collected under this subsection  
26 on the sale of a motor vehicle in this State to a resident of

1 another state if that motor vehicle will not be titled in this  
2 State.

3 Nothing in this Section shall be construed to authorize the  
4 Metro East Mass Transit District to impose a tax upon the  
5 privilege of engaging in any business which under the  
6 Constitution of the United States may not be made the subject  
7 of taxation by this State.

8 (c) If a tax has been imposed under subsection (b), a Metro  
9 East Mass Transit District Service Occupation Tax shall also be  
10 imposed upon all persons engaged, in the district, in the  
11 business of making sales of service, who, as an incident to  
12 making those sales of service, transfer tangible personal  
13 property within the District, either in the form of tangible  
14 personal property or in the form of real estate as an incident  
15 to a sale of service. The tax rate shall be 1/4%, or as  
16 authorized under subsection (d-5) of this Section, of the  
17 selling price of tangible personal property so transferred  
18 within the district. The tax imposed under this paragraph and  
19 all civil penalties that may be assessed as an incident thereof  
20 shall be collected and enforced by the State Department of  
21 Revenue. The Department shall have full power to administer and  
22 enforce this paragraph; to collect all taxes and penalties due  
23 hereunder; to dispose of taxes and penalties so collected in  
24 the manner hereinafter provided; and to determine all rights to  
25 credit memoranda arising on account of the erroneous payment of  
26 tax or penalty hereunder. In the administration of, and

1 compliance with this paragraph, the Department and persons who  
2 are subject to this paragraph shall have the same rights,  
3 remedies, privileges, immunities, powers and duties, and be  
4 subject to the same conditions, restrictions, limitations,  
5 penalties, exclusions, exemptions and definitions of terms and  
6 employ the same modes of procedure as are prescribed in  
7 Sections 1a-1, 2 (except that the reference to State in the  
8 definition of supplier maintaining a place of business in this  
9 State shall mean the Authority), 2a, 3 through 3-50 (in respect  
10 to all provisions therein other than the State rate of tax), 4  
11 (except that the reference to the State shall be to the  
12 Authority), 5, 7, 8 (except that the jurisdiction to which the  
13 tax shall be a debt to the extent indicated in that Section 8  
14 shall be the District), 9 (except as to the disposition of  
15 taxes and penalties collected, and except that the returned  
16 merchandise credit for this tax may not be taken against any  
17 State tax), 10, 11, 12 (except the reference therein to Section  
18 2b of the Retailers' Occupation Tax Act), 13 (except that any  
19 reference to the State shall mean the District), the first  
20 paragraph of Section 15, 16, 17, 18, 19 and 20 of the Service  
21 Occupation Tax Act and Section 3-7 of the Uniform Penalty and  
22 Interest Act, as fully as if those provisions were set forth  
23 herein.

24 Persons subject to any tax imposed under the authority  
25 granted in this paragraph may reimburse themselves for their  
26 serviceman's tax liability hereunder by separately stating the

1 tax as an additional charge, which charge may be stated in  
2 combination, in a single amount, with State tax that servicemen  
3 are authorized to collect under the Service Use Tax Act, in  
4 accordance with such bracket schedules as the Department may  
5 prescribe.

6 Whenever the Department determines that a refund should be  
7 made under this paragraph to a claimant instead of issuing a  
8 credit memorandum, the Department shall notify the State  
9 Comptroller, who shall cause the warrant to be drawn for the  
10 amount specified, and to the person named, in the notification  
11 from the Department. The refund shall be paid by the State  
12 Treasurer out of the Metro East Mass Transit District tax fund  
13 established under paragraph (h) of this Section.

14 Nothing in this paragraph shall be construed to authorize  
15 the District to impose a tax upon the privilege of engaging in  
16 any business which under the Constitution of the United States  
17 may not be made the subject of taxation by the State.

18 (d) If a tax has been imposed under subsection (b), a Metro  
19 East Mass Transit District Use Tax shall also be imposed upon  
20 the privilege of using, in the district, any item of tangible  
21 personal property that is purchased outside the district at  
22 retail from a retailer, and that is titled or registered with  
23 an agency of this State's government, at a rate of 1/4%, or as  
24 authorized under subsection (d-5) of this Section, of the  
25 selling price of the tangible personal property within the  
26 District, as "selling price" is defined in the Use Tax Act. The

1 tax shall be collected from persons whose Illinois address for  
2 titling or registration purposes is given as being in the  
3 District. The tax shall be collected by the Department of  
4 Revenue for the Metro East Mass Transit District. The tax must  
5 be paid to the State, or an exemption determination must be  
6 obtained from the Department of Revenue, before the title or  
7 certificate of registration for the property may be issued. The  
8 tax or proof of exemption may be transmitted to the Department  
9 by way of the State agency with which, or the State officer  
10 with whom, the tangible personal property must be titled or  
11 registered if the Department and the State agency or State  
12 officer determine that this procedure will expedite the  
13 processing of applications for title or registration.

14 The Department shall have full power to administer and  
15 enforce this paragraph; to collect all taxes, penalties and  
16 interest due hereunder; to dispose of taxes, penalties and  
17 interest so collected in the manner hereinafter provided; and  
18 to determine all rights to credit memoranda or refunds arising  
19 on account of the erroneous payment of tax, penalty or interest  
20 hereunder. In the administration of, and compliance with, this  
21 paragraph, the Department and persons who are subject to this  
22 paragraph shall have the same rights, remedies, privileges,  
23 immunities, powers and duties, and be subject to the same  
24 conditions, restrictions, limitations, penalties, exclusions,  
25 exemptions and definitions of terms and employ the same modes  
26 of procedure, as are prescribed in Sections 2 (except the

1 definition of "retailer maintaining a place of business in this  
2 State"), 3 through 3-80 (except provisions pertaining to the  
3 State rate of tax, and except provisions concerning collection  
4 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,  
5 19 (except the portions pertaining to claims by retailers and  
6 except the last paragraph concerning refunds), 20, 21 and 22 of  
7 the Use Tax Act and Section 3-7 of the Uniform Penalty and  
8 Interest Act, that are not inconsistent with this paragraph, as  
9 fully as if those provisions were set forth herein.

10 Whenever the Department determines that a refund should be  
11 made under this paragraph to a claimant instead of issuing a  
12 credit memorandum, the Department shall notify the State  
13 Comptroller, who shall cause the order to be drawn for the  
14 amount specified, and to the person named, in the notification  
15 from the Department. The refund shall be paid by the State  
16 Treasurer out of the Metro East Mass Transit District tax fund  
17 established under paragraph (h) of this Section.

18 (d-5) (A) The county board of any county participating in  
19 the Metro East Mass Transit District may authorize, by  
20 ordinance, a referendum on the question of whether the tax  
21 rates for the Metro East Mass Transit District Retailers'  
22 Occupation Tax, the Metro East Mass Transit District Service  
23 Occupation Tax, and the Metro East Mass Transit District Use  
24 Tax for the District should be increased from 0.25% to 0.75%.  
25 Upon adopting the ordinance, the county board shall certify the  
26 proposition to the proper election officials who shall submit

1 the proposition to the voters of the District at the next  
2 election, in accordance with the general election law.

3 The proposition shall be in substantially the following  
4 form:

5 Shall the tax rates for the Metro East Mass Transit  
6 District Retailers' Occupation Tax, the Metro East Mass  
7 Transit District Service Occupation Tax, and the Metro East  
8 Mass Transit District Use Tax be increased from 0.25% to  
9 0.75%?

10 (B) Two thousand five hundred electors of any Metro East  
11 Mass Transit District may petition the Chief Judge of the  
12 Circuit Court, or any judge of that Circuit designated by the  
13 Chief Judge, in which that District is located to cause to be  
14 submitted to a vote of the electors the question whether the  
15 tax rates for the Metro East Mass Transit District Retailers'  
16 Occupation Tax, the Metro East Mass Transit District Service  
17 Occupation Tax, and the Metro East Mass Transit District Use  
18 Tax for the District should be increased from 0.25% to 0.75%.

19 Upon submission of such petition the court shall set a date  
20 not less than 10 nor more than 30 days thereafter for a hearing  
21 on the sufficiency thereof. Notice of the filing of such  
22 petition and of such date shall be given in writing to the  
23 District and the County Clerk at least 7 days before the date  
24 of such hearing.

25 If such petition is found sufficient, the court shall enter  
26 an order to submit that proposition at the next election, in

1 accordance with general election law.

2 The form of the petition shall be in substantially the  
3 following form: To the Circuit Court of the County of (name of  
4 county):

5 We, the undersigned electors of the (name of transit  
6 district), respectfully petition your honor to submit to a  
7 vote of the electors of (name of transit district) the  
8 following proposition:

9 Shall the tax rates for the Metro East Mass Transit  
10 District Retailers' Occupation Tax, the Metro East Mass  
11 Transit District Service Occupation Tax, and the Metro East  
12 Mass Transit District Use Tax be increased from 0.25% to  
13 0.75%?

14 Name Address, with Street and Number.

15 .....  
16 .....

17 (C) The votes shall be recorded as "YES" or "NO". If a  
18 majority of all votes cast on the proposition are for the  
19 increase in the tax rates, the Metro East Mass Transit District  
20 shall begin imposing the increased rates in the District, and  
21 the Department of Revenue shall begin collecting the increased  
22 amounts, as provided under this Section. An ordinance imposing  
23 or discontinuing a tax hereunder or effecting a change in the  
24 rate thereof shall be adopted and a certified copy thereof  
25 filed with the Department on or before the first day of  
26 October, whereupon the Department shall proceed to administer

1 and enforce this Section as of the first day of January next  
2 following the adoption and filing, or on or before the first  
3 day of April, whereupon the Department shall proceed to  
4 administer and enforce this Section as of the first day of July  
5 next following the adoption and filing.

6 (D) If the voters have approved a referendum under this  
7 subsection, before November 1, 1994, to increase the tax rate  
8 under this subsection, the Metro East Mass Transit District  
9 Board of Trustees may adopt by a majority vote an ordinance at  
10 any time before January 1, 1995 that excludes from the rate  
11 increase tangible personal property that is titled or  
12 registered with an agency of this State's government. The  
13 ordinance excluding titled or registered tangible personal  
14 property from the rate increase must be filed with the  
15 Department at least 15 days before its effective date. At any  
16 time after adopting an ordinance excluding from the rate  
17 increase tangible personal property that is titled or  
18 registered with an agency of this State's government, the Metro  
19 East Mass Transit District Board of Trustees may adopt an  
20 ordinance applying the rate increase to that tangible personal  
21 property. The ordinance shall be adopted, and a certified copy  
22 of that ordinance shall be filed with the Department, on or  
23 before October 1, whereupon the Department shall proceed to  
24 administer and enforce the rate increase against tangible  
25 personal property titled or registered with an agency of this  
26 State's government as of the following January 1. After

1 December 31, 1995, any reimposed rate increase in effect under  
2 this subsection shall no longer apply to tangible personal  
3 property titled or registered with an agency of this State's  
4 government. Beginning January 1, 1996, the Board of Trustees of  
5 any Metro East Mass Transit District may never reimpose a  
6 previously excluded tax rate increase on tangible personal  
7 property titled or registered with an agency of this State's  
8 government. After July 1, 2004, if the voters have approved a  
9 referendum under this subsection to increase the tax rate under  
10 this subsection, the Metro East Mass Transit District Board of  
11 Trustees may adopt by a majority vote an ordinance that  
12 excludes from the rate increase tangible personal property that  
13 is titled or registered with an agency of this State's  
14 government. The ordinance excluding titled or registered  
15 tangible personal property from the rate increase shall be  
16 adopted, and a certified copy of that ordinance shall be filed  
17 with the Department on or before October 1, whereupon the  
18 Department shall administer and enforce this exclusion from the  
19 rate increase as of the following January 1, or on or before  
20 April 1, whereupon the Department shall administer and enforce  
21 this exclusion from the rate increase as of the following July  
22 1. The Board of Trustees of any Metro East Mass Transit  
23 District may never reimpose a previously excluded tax rate  
24 increase on tangible personal property titled or registered  
25 with an agency of this State's government.

26 (d-6) If the Board of Trustees of any Metro East Mass

1 Transit District has imposed a rate increase under subsection  
2 (d-5) and filed an ordinance with the Department of Revenue  
3 excluding titled property from the higher rate, then that Board  
4 may, by ordinance adopted with the concurrence of two-thirds of  
5 the then trustees, impose throughout the District a fee. The  
6 fee on the excluded property shall not exceed \$20 per retail  
7 transaction or an amount equal to the amount of tax excluded,  
8 whichever is less, on tangible personal property that is titled  
9 or registered with an agency of this State's government.  
10 Beginning July 1, 2004, the fee shall apply only to titled  
11 property that is subject to either the Metro East Mass Transit  
12 District Retailers' Occupation Tax or the Metro East Mass  
13 Transit District Service Occupation Tax. No fee shall be  
14 imposed or collected under this subsection on the sale of a  
15 motor vehicle in this State to a resident of another state if  
16 that motor vehicle will not be titled in this State.

17 (d-7) Until June 30, 2004, if a fee has been imposed under  
18 subsection (d-6), a fee shall also be imposed upon the  
19 privilege of using, in the district, any item of tangible  
20 personal property that is titled or registered with any agency  
21 of this State's government, in an amount equal to the amount of  
22 the fee imposed under subsection (d-6).

23 (d-7.1) Beginning July 1, 2004, any fee imposed by the  
24 Board of Trustees of any Metro East Mass Transit District under  
25 subsection (d-6) and all civil penalties that may be assessed  
26 as an incident of the fees shall be collected and enforced by

1 the State Department of Revenue. Reference to "taxes" in this  
2 Section shall be construed to apply to the administration,  
3 payment, and remittance of all fees under this Section. For  
4 purposes of any fee imposed under subsection (d-6), 4% of the  
5 fee, penalty, and interest received by the Department in the  
6 first 12 months that the fee is collected and enforced by the  
7 Department and 2% of the fee, penalty, and interest following  
8 the first 12 months shall be deposited into the Tax Compliance  
9 and Administration Fund and shall be used by the Department,  
10 subject to appropriation, to cover the costs of the Department.  
11 No retailers' discount shall apply to any fee imposed under  
12 subsection (d-6).

13 (d-8) No item of titled property shall be subject to both  
14 the higher rate approved by referendum, as authorized under  
15 subsection (d-5), and any fee imposed under subsection (d-6) or  
16 (d-7).

17 (d-9) (Blank).

18 (d-10) (Blank).

19 (e) A certificate of registration issued by the State  
20 Department of Revenue to a retailer under the Retailers'  
21 Occupation Tax Act or under the Service Occupation Tax Act  
22 shall permit the registrant to engage in a business that is  
23 taxed under the tax imposed under paragraphs (b), (c) or (d) of  
24 this Section and no additional registration shall be required  
25 under the tax. A certificate issued under the Use Tax Act or  
26 the Service Use Tax Act shall be applicable with regard to any

1 tax imposed under paragraph (c) of this Section.

2 (f) (Blank).

3 (g) Any ordinance imposing or discontinuing any tax under  
4 this Section shall be adopted and a certified copy thereof  
5 filed with the Department on or before June 1, whereupon the  
6 Department of Revenue shall proceed to administer and enforce  
7 this Section on behalf of the Metro East Mass Transit District  
8 as of September 1 next following such adoption and filing.  
9 Beginning January 1, 1992, an ordinance or resolution imposing  
10 or discontinuing the tax hereunder shall be adopted and a  
11 certified copy thereof filed with the Department on or before  
12 the first day of July, whereupon the Department shall proceed  
13 to administer and enforce this Section as of the first day of  
14 October next following such adoption and filing. Beginning  
15 January 1, 1993, except as provided in subsection (d-5) of this  
16 Section, an ordinance or resolution imposing or discontinuing  
17 the tax hereunder shall be adopted and a certified copy thereof  
18 filed with the Department on or before the first day of  
19 October, whereupon the Department shall proceed to administer  
20 and enforce this Section as of the first day of January next  
21 following such adoption and filing, or, beginning January 1,  
22 2004, on or before the first day of April, whereupon the  
23 Department shall proceed to administer and enforce this Section  
24 as of the first day of July next following the adoption and  
25 filing.

26 (h) Except as provided in subsection (d-7.1), the State

1 Department of Revenue shall, upon collecting any taxes as  
2 provided in this Section, pay the taxes over to the State  
3 Treasurer as trustee for the District. The taxes shall be held  
4 in a trust fund outside the State Treasury.

5 As soon as possible after the first day of each month,  
6 beginning January 1, 2011, upon certification of the Department  
7 of Revenue, the Comptroller shall order transferred, and the  
8 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
9 local sales tax increment, as defined in the Innovation  
10 Development and Economy Act, collected under this Section  
11 during the second preceding calendar month for sales within a  
12 STAR bond district. The Department shall make this  
13 certification only if the local mass transit district imposes a  
14 tax on real property as provided in the definition of "local  
15 sales taxes" under the Innovation Development and Economy Act.

16 After the monthly transfer to the STAR Bonds Revenue Fund,  
17 on or before the 25th day of each calendar month, the State  
18 Department of Revenue shall prepare and certify to the  
19 Comptroller of the State of Illinois the amount to be paid to  
20 the District, which shall be the amount (not including credit  
21 memoranda) collected under this Section during the second  
22 preceding calendar month by the Department plus an amount the  
23 Department determines is necessary to offset any amounts that  
24 were erroneously paid to a different taxing body, and not  
25 including any amount equal to the amount of refunds made during  
26 the second preceding calendar month by the Department on behalf

1 of the District, and not including any amount that the  
2 Department determines is necessary to offset any amounts that  
3 were payable to a different taxing body but were erroneously  
4 paid to the District, and less any amounts that are transferred  
5 to the STAR Bonds Revenue Fund, less 2% of the remainder, which  
6 the Department shall transfer into the Tax Compliance and  
7 Administration Fund. The Department, at the time of each  
8 monthly disbursement to the District, shall prepare and certify  
9 to the State Comptroller the amount to be transferred into the  
10 Tax Compliance and Administration Fund under this subsection.  
11 Within 10 days after receipt by the Comptroller of the  
12 certification of the amount to be paid to the District and the  
13 Tax Compliance and Administration Fund, the Comptroller shall  
14 cause an order to be drawn for payment for the amount in  
15 accordance with the direction in the certification.

16 (Source: P.A. 98-298, eff. 8-9-13; 99-217, eff. 7-31-15.)

17 Section 40. The Regional Transportation Authority Act is  
18 amended by changing Section 4.03 as follows:

19 (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

20 Sec. 4.03. Taxes.

21 (a) In order to carry out any of the powers or purposes of  
22 the Authority, the Board may by ordinance adopted with the  
23 concurrence of 12 of the then Directors, impose throughout the  
24 metropolitan region any or all of the taxes provided in this

1 Section. Except as otherwise provided in this Act, taxes  
2 imposed under this Section and civil penalties imposed incident  
3 thereto shall be collected and enforced by the State Department  
4 of Revenue. The Department shall have the power to administer  
5 and enforce the taxes and to determine all rights for refunds  
6 for erroneous payments of the taxes. Nothing in Public Act  
7 95-708 ~~this amendatory Act of the 95th General Assembly~~ is  
8 intended to invalidate any taxes currently imposed by the  
9 Authority. The increased vote requirements to impose a tax  
10 shall only apply to actions taken after January 1, 2008 (the  
11 effective date of Public Act 95-708) ~~this amendatory Act of the~~  
12 ~~95th General Assembly~~.

13 (b) The Board may impose a public transportation tax upon  
14 all persons engaged in the metropolitan region in the business  
15 of selling at retail motor fuel for operation of motor vehicles  
16 upon public highways. The tax shall be at a rate not to exceed  
17 5% of the gross receipts from the sales of motor fuel in the  
18 course of the business. As used in this Act, the term "motor  
19 fuel" shall have the same meaning as in the Motor Fuel Tax Law.  
20 The Board may provide for details of the tax. The provisions of  
21 any tax shall conform, as closely as may be practicable, to the  
22 provisions of the Municipal Retailers Occupation Tax Act,  
23 including without limitation, conformity to penalties with  
24 respect to the tax imposed and as to the powers of the State  
25 Department of Revenue to promulgate and enforce rules and  
26 regulations relating to the administration and enforcement of

1 the provisions of the tax imposed, except that reference in the  
2 Act to any municipality shall refer to the Authority and the  
3 tax shall be imposed only with regard to receipts from sales of  
4 motor fuel in the metropolitan region, at rates as limited by  
5 this Section.

6 (c) In connection with the tax imposed under paragraph (b)  
7 of this Section the Board may impose a tax upon the privilege  
8 of using in the metropolitan region motor fuel for the  
9 operation of a motor vehicle upon public highways, the tax to  
10 be at a rate not in excess of the rate of tax imposed under  
11 paragraph (b) of this Section. The Board may provide for  
12 details of the tax.

13 (d) The Board may impose a motor vehicle parking tax upon  
14 the privilege of parking motor vehicles at off-street parking  
15 facilities in the metropolitan region at which a fee is  
16 charged, and may provide for reasonable classifications in and  
17 exemptions to the tax, for administration and enforcement  
18 thereof and for civil penalties and refunds thereunder and may  
19 provide criminal penalties thereunder, the maximum penalties  
20 not to exceed the maximum criminal penalties provided in the  
21 Retailers' Occupation Tax Act. The Authority may collect and  
22 enforce the tax itself or by contract with any unit of local  
23 government. The State Department of Revenue shall have no  
24 responsibility for the collection and enforcement unless the  
25 Department agrees with the Authority to undertake the  
26 collection and enforcement. As used in this paragraph, the term

1 "parking facility" means a parking area or structure having  
2 parking spaces for more than 2 vehicles at which motor vehicles  
3 are permitted to park in return for an hourly, daily, or other  
4 periodic fee, whether publicly or privately owned, but does not  
5 include parking spaces on a public street, the use of which is  
6 regulated by parking meters.

7 (e) The Board may impose a Regional Transportation  
8 Authority Retailers' Occupation Tax upon all persons engaged in  
9 the business of selling tangible personal property at retail in  
10 the metropolitan region. In Cook County the tax rate shall be  
11 1.25% of the gross receipts from sales of food for human  
12 consumption that is to be consumed off the premises where it is  
13 sold (other than alcoholic beverages, soft drinks and food that  
14 has been prepared for immediate consumption) and prescription  
15 and nonprescription medicines, drugs, medical appliances and  
16 insulin, urine testing materials, syringes and needles used by  
17 diabetics, and 1% of the gross receipts from other taxable  
18 sales made in the course of that business. In DuPage, Kane,  
19 Lake, McHenry, and Will Counties, the tax rate shall be 0.75%  
20 of the gross receipts from all taxable sales made in the course  
21 of that business. The tax imposed under this Section and all  
22 civil penalties that may be assessed as an incident thereof  
23 shall be collected and enforced by the State Department of  
24 Revenue. The Department shall have full power to administer and  
25 enforce this Section; to collect all taxes and penalties so  
26 collected in the manner hereinafter provided; and to determine

1 all rights to credit memoranda arising on account of the  
2 erroneous payment of tax or penalty hereunder. In the  
3 administration of, and compliance with this Section, the  
4 Department and persons who are subject to this Section shall  
5 have the same rights, remedies, privileges, immunities, powers  
6 and duties, and be subject to the same conditions,  
7 restrictions, limitations, penalties, exclusions, exemptions  
8 and definitions of terms, and employ the same modes of  
9 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,  
10 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions  
11 therein other than the State rate of tax), 2c, 3 (except as to  
12 the disposition of taxes and penalties collected), 4, 5, 5a,  
13 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,  
14 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act  
15 and Section 3-7 of the Uniform Penalty and Interest Act, as  
16 fully as if those provisions were set forth herein.

17 Persons subject to any tax imposed under the authority  
18 granted in this Section may reimburse themselves for their  
19 seller's tax liability hereunder by separately stating the tax  
20 as an additional charge, which charge may be stated in  
21 combination in a single amount with State taxes that sellers  
22 are required to collect under the Use Tax Act, under any  
23 bracket schedules the Department may prescribe.

24 Whenever the Department determines that a refund should be  
25 made under this Section to a claimant instead of issuing a  
26 credit memorandum, the Department shall notify the State

1 Comptroller, who shall cause the warrant to be drawn for the  
2 amount specified, and to the person named, in the notification  
3 from the Department. The refund shall be paid by the State  
4 Treasurer out of the Regional Transportation Authority tax fund  
5 established under paragraph (n) of this Section.

6 If a tax is imposed under this subsection (e), a tax shall  
7 also be imposed under subsections (f) and (g) of this Section.

8 For the purpose of determining whether a tax authorized  
9 under this Section is applicable, a retail sale by a producer  
10 of coal or other mineral mined in Illinois, is a sale at retail  
11 at the place where the coal or other mineral mined in Illinois  
12 is extracted from the earth. This paragraph does not apply to  
13 coal or other mineral when it is delivered or shipped by the  
14 seller to the purchaser at a point outside Illinois so that the  
15 sale is exempt under the Federal Constitution as a sale in  
16 interstate or foreign commerce.

17 No tax shall be imposed or collected under this subsection  
18 on the sale of a motor vehicle in this State to a resident of  
19 another state if that motor vehicle will not be titled in this  
20 State.

21 Nothing in this Section shall be construed to authorize the  
22 Regional Transportation Authority to impose a tax upon the  
23 privilege of engaging in any business that under the  
24 Constitution of the United States may not be made the subject  
25 of taxation by this State.

26 (f) If a tax has been imposed under paragraph (e), a

1 Regional Transportation Authority Service Occupation Tax shall  
2 also be imposed upon all persons engaged, in the metropolitan  
3 region in the business of making sales of service, who as an  
4 incident to making the sales of service, transfer tangible  
5 personal property within the metropolitan region, either in the  
6 form of tangible personal property or in the form of real  
7 estate as an incident to a sale of service. In Cook County, the  
8 tax rate shall be: (1) 1.25% of the serviceman's cost price of  
9 food prepared for immediate consumption and transferred  
10 incident to a sale of service subject to the service occupation  
11 tax by an entity licensed under the Hospital Licensing Act, the  
12 Nursing Home Care Act, the Specialized Mental Health  
13 Rehabilitation Act of 2013, the ID/DD Community Care Act, or  
14 the MC/DD Act that is located in the metropolitan region; (2)  
15 1.25% of the selling price of food for human consumption that  
16 is to be consumed off the premises where it is sold (other than  
17 alcoholic beverages, soft drinks and food that has been  
18 prepared for immediate consumption) and prescription and  
19 nonprescription medicines, drugs, medical appliances and  
20 insulin, urine testing materials, syringes and needles used by  
21 diabetics; and (3) 1% of the selling price from other taxable  
22 sales of tangible personal property transferred. In DuPage,  
23 Kane, Lake, McHenry and Will Counties the rate shall be 0.75%  
24 of the selling price of all tangible personal property  
25 transferred.

26 The tax imposed under this paragraph and all civil

1 penalties that may be assessed as an incident thereof shall be  
2 collected and enforced by the State Department of Revenue. The  
3 Department shall have full power to administer and enforce this  
4 paragraph; to collect all taxes and penalties due hereunder; to  
5 dispose of taxes and penalties collected in the manner  
6 hereinafter provided; and to determine all rights to credit  
7 memoranda arising on account of the erroneous payment of tax or  
8 penalty hereunder. In the administration of and compliance with  
9 this paragraph, the Department and persons who are subject to  
10 this paragraph shall have the same rights, remedies,  
11 privileges, immunities, powers and duties, and be subject to  
12 the same conditions, restrictions, limitations, penalties,  
13 exclusions, exemptions and definitions of terms, and employ the  
14 same modes of procedure, as are prescribed in Sections 1a-1, 2,  
15 2a, 3 through 3-50 (in respect to all provisions therein other  
16 than the State rate of tax), 4 (except that the reference to  
17 the State shall be to the Authority), 5, 7, 8 (except that the  
18 jurisdiction to which the tax shall be a debt to the extent  
19 indicated in that Section 8 shall be the Authority), 9 (except  
20 as to the disposition of taxes and penalties collected, and  
21 except that the returned merchandise credit for this tax may  
22 not be taken against any State tax), 10, 11, 12 (except the  
23 reference therein to Section 2b of the Retailers' Occupation  
24 Tax Act), 13 (except that any reference to the State shall mean  
25 the Authority), the first paragraph of Section 15, 16, 17, 18,  
26 19 and 20 of the Service Occupation Tax Act and Section 3-7 of

1 the Uniform Penalty and Interest Act, as fully as if those  
2 provisions were set forth herein.

3 Persons subject to any tax imposed under the authority  
4 granted in this paragraph may reimburse themselves for their  
5 serviceman's tax liability hereunder by separately stating the  
6 tax as an additional charge, that charge may be stated in  
7 combination in a single amount with State tax that servicemen  
8 are authorized to collect under the Service Use Tax Act, under  
9 any bracket schedules the Department may prescribe.

10 Whenever the Department determines that a refund should be  
11 made under this paragraph to a claimant instead of issuing a  
12 credit memorandum, the Department shall notify the State  
13 Comptroller, who shall cause the warrant to be drawn for the  
14 amount specified, and to the person named in the notification  
15 from the Department. The refund shall be paid by the State  
16 Treasurer out of the Regional Transportation Authority tax fund  
17 established under paragraph (n) of this Section.

18 Nothing in this paragraph shall be construed to authorize  
19 the Authority to impose a tax upon the privilege of engaging in  
20 any business that under the Constitution of the United States  
21 may not be made the subject of taxation by the State.

22 (g) If a tax has been imposed under paragraph (e), a tax  
23 shall also be imposed upon the privilege of using in the  
24 metropolitan region, any item of tangible personal property  
25 that is purchased outside the metropolitan region at retail  
26 from a retailer, and that is titled or registered with an

1 agency of this State's government. In Cook County the tax rate  
2 shall be 1% of the selling price of the tangible personal  
3 property, as "selling price" is defined in the Use Tax Act. In  
4 DuPage, Kane, Lake, McHenry and Will counties the tax rate  
5 shall be 0.75% of the selling price of the tangible personal  
6 property, as "selling price" is defined in the Use Tax Act. The  
7 tax shall be collected from persons whose Illinois address for  
8 titling or registration purposes is given as being in the  
9 metropolitan region. The tax shall be collected by the  
10 Department of Revenue for the Regional Transportation  
11 Authority. The tax must be paid to the State, or an exemption  
12 determination must be obtained from the Department of Revenue,  
13 before the title or certificate of registration for the  
14 property may be issued. The tax or proof of exemption may be  
15 transmitted to the Department by way of the State agency with  
16 which, or the State officer with whom, the tangible personal  
17 property must be titled or registered if the Department and the  
18 State agency or State officer determine that this procedure  
19 will expedite the processing of applications for title or  
20 registration.

21 The Department shall have full power to administer and  
22 enforce this paragraph; to collect all taxes, penalties and  
23 interest due hereunder; to dispose of taxes, penalties and  
24 interest collected in the manner hereinafter provided; and to  
25 determine all rights to credit memoranda or refunds arising on  
26 account of the erroneous payment of tax, penalty or interest

1 hereunder. In the administration of and compliance with this  
2 paragraph, the Department and persons who are subject to this  
3 paragraph shall have the same rights, remedies, privileges,  
4 immunities, powers and duties, and be subject to the same  
5 conditions, restrictions, limitations, penalties, exclusions,  
6 exemptions and definitions of terms and employ the same modes  
7 of procedure, as are prescribed in Sections 2 (except the  
8 definition of "retailer maintaining a place of business in this  
9 State"), 3 through 3-80 (except provisions pertaining to the  
10 State rate of tax, and except provisions concerning collection  
11 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,  
12 19 (except the portions pertaining to claims by retailers and  
13 except the last paragraph concerning refunds), 20, 21 and 22 of  
14 the Use Tax Act, and are not inconsistent with this paragraph,  
15 as fully as if those provisions were set forth herein.

16 Whenever the Department determines that a refund should be  
17 made under this paragraph to a claimant instead of issuing a  
18 credit memorandum, the Department shall notify the State  
19 Comptroller, who shall cause the order to be drawn for the  
20 amount specified, and to the person named in the notification  
21 from the Department. The refund shall be paid by the State  
22 Treasurer out of the Regional Transportation Authority tax fund  
23 established under paragraph (n) of this Section.

24 (h) The Authority may impose a replacement vehicle tax of  
25 \$50 on any passenger car as defined in Section 1-157 of the  
26 Illinois Vehicle Code purchased within the metropolitan region

1 by or on behalf of an insurance company to replace a passenger  
2 car of an insured person in settlement of a total loss claim.  
3 The tax imposed may not become effective before the first day  
4 of the month following the passage of the ordinance imposing  
5 the tax and receipt of a certified copy of the ordinance by the  
6 Department of Revenue. The Department of Revenue shall collect  
7 the tax for the Authority in accordance with Sections 3-2002  
8 and 3-2003 of the Illinois Vehicle Code.

9 The Department shall immediately pay over to the State  
10 Treasurer, ex officio, as trustee, all taxes collected  
11 hereunder.

12 As soon as possible after the first day of each month,  
13 beginning January 1, 2011, upon certification of the Department  
14 of Revenue, the Comptroller shall order transferred, and the  
15 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
16 local sales tax increment, as defined in the Innovation  
17 Development and Economy Act, collected under this Section  
18 during the second preceding calendar month for sales within a  
19 STAR bond district.

20 After the monthly transfer to the STAR Bonds Revenue Fund,  
21 on or before the 25th day of each calendar month, the  
22 Department shall prepare and certify to the Comptroller the  
23 disbursement of stated sums of money to the Authority. The  
24 amount to be paid to the Authority shall be the amount  
25 collected hereunder during the second preceding calendar month  
26 by the Department, less any amount determined by the Department

1 to be necessary for the payment of refunds, and less any  
2 amounts that are transferred to the STAR Bonds Revenue Fund.  
3 Within 10 days after receipt by the Comptroller of the  
4 disbursement certification to the Authority provided for in  
5 this Section to be given to the Comptroller by the Department,  
6 the Comptroller shall cause the orders to be drawn for that  
7 amount in accordance with the directions contained in the  
8 certification.

9 (i) The Board may not impose any other taxes except as it  
10 may from time to time be authorized by law to impose.

11 (j) A certificate of registration issued by the State  
12 Department of Revenue to a retailer under the Retailers'  
13 Occupation Tax Act or under the Service Occupation Tax Act  
14 shall permit the registrant to engage in a business that is  
15 taxed under the tax imposed under paragraphs (b), (e), (f) or  
16 (g) of this Section and no additional registration shall be  
17 required under the tax. A certificate issued under the Use Tax  
18 Act or the Service Use Tax Act shall be applicable with regard  
19 to any tax imposed under paragraph (c) of this Section.

20 (k) The provisions of any tax imposed under paragraph (c)  
21 of this Section shall conform as closely as may be practicable  
22 to the provisions of the Use Tax Act, including without  
23 limitation conformity as to penalties with respect to the tax  
24 imposed and as to the powers of the State Department of Revenue  
25 to promulgate and enforce rules and regulations relating to the  
26 administration and enforcement of the provisions of the tax

1 imposed. The taxes shall be imposed only on use within the  
2 metropolitan region and at rates as provided in the paragraph.

3 (1) The Board in imposing any tax as provided in paragraphs  
4 (b) and (c) of this Section, shall, after seeking the advice of  
5 the State Department of Revenue, provide means for retailers,  
6 users or purchasers of motor fuel for purposes other than those  
7 with regard to which the taxes may be imposed as provided in  
8 those paragraphs to receive refunds of taxes improperly paid,  
9 which provisions may be at variance with the refund provisions  
10 as applicable under the Municipal Retailers Occupation Tax Act.  
11 The State Department of Revenue may provide for certificates of  
12 registration for users or purchasers of motor fuel for purposes  
13 other than those with regard to which taxes may be imposed as  
14 provided in paragraphs (b) and (c) of this Section to  
15 facilitate the reporting and nontaxability of the exempt sales  
16 or uses.

17 (m) Any ordinance imposing or discontinuing any tax under  
18 this Section shall be adopted and a certified copy thereof  
19 filed with the Department on or before June 1, whereupon the  
20 Department of Revenue shall proceed to administer and enforce  
21 this Section on behalf of the Regional Transportation Authority  
22 as of September 1 next following such adoption and filing.  
23 Beginning January 1, 1992, an ordinance or resolution imposing  
24 or discontinuing the tax hereunder shall be adopted and a  
25 certified copy thereof filed with the Department on or before  
26 the first day of July, whereupon the Department shall proceed

1 to administer and enforce this Section as of the first day of  
2 October next following such adoption and filing. Beginning  
3 January 1, 1993, an ordinance or resolution imposing,  
4 increasing, decreasing, or discontinuing the tax hereunder  
5 shall be adopted and a certified copy thereof filed with the  
6 Department, whereupon the Department shall proceed to  
7 administer and enforce this Section as of the first day of the  
8 first month to occur not less than 60 days following such  
9 adoption and filing. Any ordinance or resolution of the  
10 Authority imposing a tax under this Section and in effect on  
11 August 1, 2007 shall remain in full force and effect and shall  
12 be administered by the Department of Revenue under the terms  
13 and conditions and rates of tax established by such ordinance  
14 or resolution until the Department begins administering and  
15 enforcing an increased tax under this Section as authorized by  
16 Public Act 95-708 ~~this amendatory Act of the 95th General~~  
17 ~~Assembly~~. The tax rates authorized by Public Act 95-708 ~~this~~  
18 ~~amendatory Act of the 95th General Assembly~~ are effective only  
19 if imposed by ordinance of the Authority.

20 (n) The State Department of Revenue shall, upon collecting  
21 any taxes as provided in this Section, pay the taxes over to  
22 the State Treasurer as trustee for the Authority. The taxes  
23 shall be held in a trust fund outside the State Treasury. On or  
24 before the 25th day of each calendar month, the State  
25 Department of Revenue shall prepare and certify to the  
26 Comptroller of the State of Illinois and to the Authority (i)

1 the amount of taxes collected in each County other than Cook  
2 County in the metropolitan region, (ii) the amount of taxes  
3 collected within the City of Chicago, and (iii) the amount  
4 collected in that portion of Cook County outside of Chicago,  
5 each amount less the amount necessary for the payment of  
6 refunds to taxpayers located in those areas described in items  
7 (i), (ii), and (iii), and less 2% of the remainder, which shall  
8 be transferred from the trust fund into the Tax Compliance and  
9 Administration Fund. The Department, at the time of each  
10 monthly disbursement to the Authority, shall prepare and  
11 certify to the State Comptroller the amount to be transferred  
12 into the Tax Compliance and Administration Fund under this  
13 subsection. Within 10 days after receipt by the Comptroller of  
14 the certification of the amounts, the Comptroller shall cause  
15 an order to be drawn for the transfer of the amount certified  
16 into the Tax Compliance and Administration Fund and the payment  
17 of two-thirds of the amounts certified in item (i) of this  
18 subsection to the Authority and one-third of the amounts  
19 certified in item (i) of this subsection to the respective  
20 counties other than Cook County and the amount certified in  
21 items (ii) and (iii) of this subsection to the Authority.

22 In addition to the disbursement required by the preceding  
23 paragraph, an allocation shall be made in July 1991 and each  
24 year thereafter to the Regional Transportation Authority. The  
25 allocation shall be made in an amount equal to the average  
26 monthly distribution during the preceding calendar year

1 (excluding the 2 months of lowest receipts) and the allocation  
2 shall include the amount of average monthly distribution from  
3 the Regional Transportation Authority Occupation and Use Tax  
4 Replacement Fund. The distribution made in July 1992 and each  
5 year thereafter under this paragraph and the preceding  
6 paragraph shall be reduced by the amount allocated and  
7 disbursed under this paragraph in the preceding calendar year.  
8 The Department of Revenue shall prepare and certify to the  
9 Comptroller for disbursement the allocations made in  
10 accordance with this paragraph.

11 (o) Failure to adopt a budget ordinance or otherwise to  
12 comply with Section 4.01 of this Act or to adopt a Five-year  
13 Capital Program or otherwise to comply with paragraph (b) of  
14 Section 2.01 of this Act shall not affect the validity of any  
15 tax imposed by the Authority otherwise in conformity with law.

16 (p) At no time shall a public transportation tax or motor  
17 vehicle parking tax authorized under paragraphs (b), (c) and  
18 (d) of this Section be in effect at the same time as any  
19 retailers' occupation, use or service occupation tax  
20 authorized under paragraphs (e), (f) and (g) of this Section is  
21 in effect.

22 Any taxes imposed under the authority provided in  
23 paragraphs (b), (c) and (d) shall remain in effect only until  
24 the time as any tax authorized by paragraphs (e), (f) or (g) of  
25 this Section are imposed and becomes effective. Once any tax  
26 authorized by paragraphs (e), (f) or (g) is imposed the Board

1 may not reimpose taxes as authorized in paragraphs (b), (c) and  
2 (d) of the Section unless any tax authorized by paragraphs (e),  
3 (f) or (g) of this Section becomes ineffective by means other  
4 than an ordinance of the Board.

5 (q) Any existing rights, remedies and obligations  
6 (including enforcement by the Regional Transportation  
7 Authority) arising under any tax imposed under paragraphs (b),  
8 (c) or (d) of this Section shall not be affected by the  
9 imposition of a tax under paragraphs (e), (f) or (g) of this  
10 Section.

11 (Source: P.A. 98-104, eff. 7-22-13; 99-180, eff. 7-29-15;  
12 99-217, eff. 7-31-15; revised 10-9-15.)

13 Section 45. The Water Commission Act of 1985 is amended by  
14 changing Section 4 as follows:

15 (70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)

16 Sec. 4. Taxes.

17 (a) The board of commissioners of any county water  
18 commission may, by ordinance, impose throughout the territory  
19 of the commission any or all of the taxes provided in this  
20 Section for its corporate purposes. However, no county water  
21 commission may impose any such tax unless the commission  
22 certifies the proposition of imposing the tax to the proper  
23 election officials, who shall submit the proposition to the  
24 voters residing in the territory at an election in accordance

1 with the general election law, and the proposition has been  
2 approved by a majority of those voting on the proposition.

3 The proposition shall be in the form provided in Section 5  
4 or shall be substantially in the following form:

5 -----

6	Shall the (insert corporate	
7	name of county water commission)	YES
8	impose (state type of tax or	-----
9	taxes to be imposed) at the	NO
10	rate of 1/4%?	

11 -----

12 Taxes imposed under this Section and civil penalties  
13 imposed incident thereto shall be collected and enforced by the  
14 State Department of Revenue. The Department shall have the  
15 power to administer and enforce the taxes and to determine all  
16 rights for refunds for erroneous payments of the taxes.

17 (b) The board of commissioners may impose a County Water  
18 Commission Retailers' Occupation Tax upon all persons engaged  
19 in the business of selling tangible personal property at retail  
20 in the territory of the commission at a rate of 1/4% of the  
21 gross receipts from the sales made in the course of such  
22 business within the territory. The tax imposed under this  
23 paragraph and all civil penalties that may be assessed as an  
24 incident thereof shall be collected and enforced by the State  
25 Department of Revenue. The Department shall have full power to  
26 administer and enforce this paragraph; to collect all taxes and

1 penalties due hereunder; to dispose of taxes and penalties so  
2 collected in the manner hereinafter provided; and to determine  
3 all rights to credit memoranda arising on account of the  
4 erroneous payment of tax or penalty hereunder. In the  
5 administration of, and compliance with, this paragraph, the  
6 Department and persons who are subject to this paragraph shall  
7 have the same rights, remedies, privileges, immunities, powers  
8 and duties, and be subject to the same conditions,  
9 restrictions, limitations, penalties, exclusions, exemptions  
10 and definitions of terms, and employ the same modes of  
11 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,  
12 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions  
13 therein other than the State rate of tax except that food for  
14 human consumption that is to be consumed off the premises where  
15 it is sold (other than alcoholic beverages, soft drinks, and  
16 food that has been prepared for immediate consumption) and  
17 prescription and nonprescription medicine, drugs, medical  
18 appliances and insulin, urine testing materials, syringes, and  
19 needles used by diabetics, for human use, shall not be subject  
20 to tax hereunder), 2c, 3 (except as to the disposition of taxes  
21 and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h,  
22 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12 and 13 of  
23 the Retailers' Occupation Tax Act and Section 3-7 of the  
24 Uniform Penalty and Interest Act, as fully as if those  
25 provisions were set forth herein.

26 Persons subject to any tax imposed under the authority

1 granted in this paragraph may reimburse themselves for their  
2 seller's tax liability hereunder by separately stating the tax  
3 as an additional charge, which charge may be stated in  
4 combination, in a single amount, with State taxes that sellers  
5 are required to collect under the Use Tax Act and under  
6 subsection (e) of Section 4.03 of the Regional Transportation  
7 Authority Act, in accordance with such bracket schedules as the  
8 Department may prescribe.

9 Whenever the Department determines that a refund should be  
10 made under this paragraph to a claimant instead of issuing a  
11 credit memorandum, the Department shall notify the State  
12 Comptroller, who shall cause the warrant to be drawn for the  
13 amount specified, and to the person named, in the notification  
14 from the Department. The refund shall be paid by the State  
15 Treasurer out of a county water commission tax fund established  
16 under paragraph (g) of this Section.

17 For the purpose of determining whether a tax authorized  
18 under this paragraph is applicable, a retail sale by a producer  
19 of coal or other mineral mined in Illinois is a sale at retail  
20 at the place where the coal or other mineral mined in Illinois  
21 is extracted from the earth. This paragraph does not apply to  
22 coal or other mineral when it is delivered or shipped by the  
23 seller to the purchaser at a point outside Illinois so that the  
24 sale is exempt under the Federal Constitution as a sale in  
25 interstate or foreign commerce.

26 If a tax is imposed under this subsection (b) a tax shall

1 also be imposed under subsections (c) and (d) of this Section.

2 No tax shall be imposed or collected under this subsection  
3 on the sale of a motor vehicle in this State to a resident of  
4 another state if that motor vehicle will not be titled in this  
5 State.

6 Nothing in this paragraph shall be construed to authorize a  
7 county water commission to impose a tax upon the privilege of  
8 engaging in any business which under the Constitution of the  
9 United States may not be made the subject of taxation by this  
10 State.

11 (c) If a tax has been imposed under subsection (b), a  
12 County Water Commission Service Occupation Tax shall also be  
13 imposed upon all persons engaged, in the territory of the  
14 commission, in the business of making sales of service, who, as  
15 an incident to making the sales of service, transfer tangible  
16 personal property within the territory. The tax rate shall be  
17 1/4% of the selling price of tangible personal property so  
18 transferred within the territory. The tax imposed under this  
19 paragraph and all civil penalties that may be assessed as an  
20 incident thereof shall be collected and enforced by the State  
21 Department of Revenue. The Department shall have full power to  
22 administer and enforce this paragraph; to collect all taxes and  
23 penalties due hereunder; to dispose of taxes and penalties so  
24 collected in the manner hereinafter provided; and to determine  
25 all rights to credit memoranda arising on account of the  
26 erroneous payment of tax or penalty hereunder. In the

1 administration of, and compliance with, this paragraph, the  
2 Department and persons who are subject to this paragraph shall  
3 have the same rights, remedies, privileges, immunities, powers  
4 and duties, and be subject to the same conditions,  
5 restrictions, limitations, penalties, exclusions, exemptions  
6 and definitions of terms, and employ the same modes of  
7 procedure, as are prescribed in Sections 1a-1, 2 (except that  
8 the reference to State in the definition of supplier  
9 maintaining a place of business in this State shall mean the  
10 territory of the commission), 2a, 3 through 3-50 (in respect to  
11 all provisions therein other than the State rate of tax except  
12 that food for human consumption that is to be consumed off the  
13 premises where it is sold (other than alcoholic beverages, soft  
14 drinks, and food that has been prepared for immediate  
15 consumption) and prescription and nonprescription medicines,  
16 drugs, medical appliances and insulin, urine testing  
17 materials, syringes, and needles used by diabetics, for human  
18 use, shall not be subject to tax hereunder), 4 (except that the  
19 reference to the State shall be to the territory of the  
20 commission), 5, 7, 8 (except that the jurisdiction to which the  
21 tax shall be a debt to the extent indicated in that Section 8  
22 shall be the commission), 9 (except as to the disposition of  
23 taxes and penalties collected and except that the returned  
24 merchandise credit for this tax may not be taken against any  
25 State tax), 10, 11, 12 (except the reference therein to Section  
26 2b of the Retailers' Occupation Tax Act), 13 (except that any

1 reference to the State shall mean the territory of the  
2 commission), the first paragraph of Section 15, 15.5, 16, 17,  
3 18, 19 and 20 of the Service Occupation Tax Act as fully as if  
4 those provisions were set forth herein.

5 Persons subject to any tax imposed under the authority  
6 granted in this paragraph may reimburse themselves for their  
7 serviceman's tax liability hereunder by separately stating the  
8 tax as an additional charge, which charge may be stated in  
9 combination, in a single amount, with State tax that servicemen  
10 are authorized to collect under the Service Use Tax Act, and  
11 any tax for which servicemen may be liable under subsection (f)  
12 of Section ~~Sec.~~ 4.03 of the Regional Transportation Authority  
13 Act, in accordance with such bracket schedules as the  
14 Department may prescribe.

15 Whenever the Department determines that a refund should be  
16 made under this paragraph to a claimant instead of issuing a  
17 credit memorandum, the Department shall notify the State  
18 Comptroller, who shall cause the warrant to be drawn for the  
19 amount specified, and to the person named, in the notification  
20 from the Department. The refund shall be paid by the State  
21 Treasurer out of a county water commission tax fund established  
22 under paragraph (g) of this Section.

23 Nothing in this paragraph shall be construed to authorize a  
24 county water commission to impose a tax upon the privilege of  
25 engaging in any business which under the Constitution of the  
26 United States may not be made the subject of taxation by the

1 State.

2 (d) If a tax has been imposed under subsection (b), a tax  
3 shall also imposed upon the privilege of using, in the  
4 territory of the commission, any item of tangible personal  
5 property that is purchased outside the territory at retail from  
6 a retailer, and that is titled or registered with an agency of  
7 this State's government, at a rate of 1/4% of the selling price  
8 of the tangible personal property within the territory, as  
9 "selling price" is defined in the Use Tax Act. The tax shall be  
10 collected from persons whose Illinois address for titling or  
11 registration purposes is given as being in the territory. The  
12 tax shall be collected by the Department of Revenue for a  
13 county water commission. The tax must be paid to the State, or  
14 an exemption determination must be obtained from the Department  
15 of Revenue, before the title or certificate of registration for  
16 the property may be issued. The tax or proof of exemption may  
17 be transmitted to the Department by way of the State agency  
18 with which, or the State officer with whom, the tangible  
19 personal property must be titled or registered if the  
20 Department and the State agency or State officer determine that  
21 this procedure will expedite the processing of applications for  
22 title or registration.

23 The Department shall have full power to administer and  
24 enforce this paragraph; to collect all taxes, penalties and  
25 interest due hereunder; to dispose of taxes, penalties and  
26 interest so collected in the manner hereinafter provided; and

1 to determine all rights to credit memoranda or refunds arising  
2 on account of the erroneous payment of tax, penalty or interest  
3 hereunder. In the administration of, and compliance with this  
4 paragraph, the Department and persons who are subject to this  
5 paragraph shall have the same rights, remedies, privileges,  
6 immunities, powers and duties, and be subject to the same  
7 conditions, restrictions, limitations, penalties, exclusions,  
8 exemptions and definitions of terms and employ the same modes  
9 of procedure, as are prescribed in Sections 2 (except the  
10 definition of "retailer maintaining a place of business in this  
11 State"), 3 through 3-80 (except provisions pertaining to the  
12 State rate of tax, and except provisions concerning collection  
13 or refunding of the tax by retailers, and except that food for  
14 human consumption that is to be consumed off the premises where  
15 it is sold (other than alcoholic beverages, soft drinks, and  
16 food that has been prepared for immediate consumption) and  
17 prescription and nonprescription medicines, drugs, medical  
18 appliances and insulin, urine testing materials, syringes, and  
19 needles used by diabetics, for human use, shall not be subject  
20 to tax hereunder), 4, 11, 12, 12a, 14, 15, 19 (except the  
21 portions pertaining to claims by retailers and except the last  
22 paragraph concerning refunds), 20, 21 and 22 of the Use Tax Act  
23 and Section 3-7 of the Uniform Penalty and Interest Act that  
24 are not inconsistent with this paragraph, as fully as if those  
25 provisions were set forth herein.

26 Whenever the Department determines that a refund should be

1 made under this paragraph to a claimant instead of issuing a  
2 credit memorandum, the Department shall notify the State  
3 Comptroller, who shall cause the order to be drawn for the  
4 amount specified, and to the person named, in the notification  
5 from the Department. The refund shall be paid by the State  
6 Treasurer out of a county water commission tax fund established  
7 under paragraph (g) of this Section.

8 (e) A certificate of registration issued by the State  
9 Department of Revenue to a retailer under the Retailers'  
10 Occupation Tax Act or under the Service Occupation Tax Act  
11 shall permit the registrant to engage in a business that is  
12 taxed under the tax imposed under paragraphs (b), (c) or (d) of  
13 this Section and no additional registration shall be required  
14 under the tax. A certificate issued under the Use Tax Act or  
15 the Service Use Tax Act shall be applicable with regard to any  
16 tax imposed under paragraph (c) of this Section.

17 (f) Any ordinance imposing or discontinuing any tax under  
18 this Section shall be adopted and a certified copy thereof  
19 filed with the Department on or before June 1, whereupon the  
20 Department of Revenue shall proceed to administer and enforce  
21 this Section on behalf of the county water commission as of  
22 September 1 next following the adoption and filing. Beginning  
23 January 1, 1992, an ordinance or resolution imposing or  
24 discontinuing the tax hereunder shall be adopted and a  
25 certified copy thereof filed with the Department on or before  
26 the first day of July, whereupon the Department shall proceed

1 to administer and enforce this Section as of the first day of  
2 October next following such adoption and filing. Beginning  
3 January 1, 1993, an ordinance or resolution imposing or  
4 discontinuing the tax hereunder shall be adopted and a  
5 certified copy thereof filed with the Department on or before  
6 the first day of October, whereupon the Department shall  
7 proceed to administer and enforce this Section as of the first  
8 day of January next following such adoption and filing.

9 (g) The State Department of Revenue shall, upon collecting  
10 any taxes as provided in this Section, pay the taxes over to  
11 the State Treasurer as trustee for the commission. The taxes  
12 shall be held in a trust fund outside the State Treasury.

13 As soon as possible after the first day of each month,  
14 beginning January 1, 2011, upon certification of the Department  
15 of Revenue, the Comptroller shall order transferred, and the  
16 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
17 local sales tax increment, as defined in the Innovation  
18 Development and Economy Act, collected under this Section  
19 during the second preceding calendar month for sales within a  
20 STAR bond district.

21 After the monthly transfer to the STAR Bonds Revenue Fund,  
22 on or before the 25th day of each calendar month, the State  
23 Department of Revenue shall prepare and certify to the  
24 Comptroller of the State of Illinois the amount to be paid to  
25 the commission, which shall be the amount (not including credit  
26 memoranda) collected under this Section during the second

1 preceding calendar month by the Department plus an amount the  
2 Department determines is necessary to offset any amounts that  
3 were erroneously paid to a different taxing body, and not  
4 including any amount equal to the amount of refunds made during  
5 the second preceding calendar month by the Department on behalf  
6 of the commission, and not including any amount that the  
7 Department determines is necessary to offset any amounts that  
8 were payable to a different taxing body but were erroneously  
9 paid to the commission, and less any amounts that are  
10 transferred to the STAR Bonds Revenue Fund, less 2% of the  
11 remainder, which the Department shall be transferred into the  
12 Tax Compliance and Administration Fund. The Department, at the  
13 time of each monthly disbursement to the commission, shall  
14 prepare and certify to the State Comptroller the amount to be  
15 transferred into the Tax Compliance and Administration Fund  
16 under this subsection. Within 10 days after receipt by the  
17 Comptroller of the certification of the amount to be paid to  
18 the commission and the Tax Compliance and Administration Fund,  
19 the Comptroller shall cause an order to be drawn for the  
20 payment for the amount in accordance with the direction in the  
21 certification.

22 (h) Beginning June 1, 2016, any tax imposed pursuant to  
23 this Section may no longer be imposed or collected, unless a  
24 continuation of the tax is approved by the voters at a  
25 referendum as set forth in this Section.

26 (Source: P.A. 98-298, eff. 8-9-13; 99-217, eff. 7-31-15;

1 revised 11-9-15.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.".